

# SENATE BILL REPORT

## ESB 6296

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As Passed Senate, February 9, 2012

**Title:** An act relating to background checks.

**Brief Description:** Modifying background check provisions.

**Sponsors:** Senators Harper, Carrell and Shin; by request of Washington State Patrol.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 1/27/12 [DP].

Passed Senate: 2/09/12, 45-2.

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Carrell, Harper, McAuliffe and Padden.

**Staff:** Jennifer Strus (786-7316)

**Background:** Currently, when individuals seek to review their criminal history record, they are only entitled to an in-person review and cannot keep a copy of their record.

Businesses, organizations, and school districts that conduct background checks under RCW 43.43 receive only criminal history of convictions and pending charges less than a year old when those charges are crimes against persons. Businesses and organizations that conduct background checks under RCW 10.97 receive not only criminal history of convictions but all pending charges less than a year old.

**Summary of Engrossed Bill:** Individuals may retain a copy of their personal nonconviction data information on file if the criminal justice agency has verified the identity of the person making the request. Criminal justice agencies may impose additional restrictions, including fingerprinting, as are reasonably necessary to assure the record's security and to verify the identity of the requester. The agency may charge a reasonable copying fee.

The definition of criminal history record in RCW 10.97 is clarified to exclude police incident reports.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

An entity conducting a background check pursuant to RCW 10.97 will receive information about any incident that occurred within the last 12 months for which the person is currently being processed by the criminal justice system.

**Appropriation:** None.

**Fiscal Note:** Available.

[OFM requested ten-year cost projection pursuant to I-960.]

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill aligns two statutes so that the information being disseminated is the same. Because of the two different background check statutes that apply, nonprofit agencies do not receive pending charges that are not crimes against persons. Therefore, if an agency is hiring a driver and the person it wants to hire has a pending DUI, that pending charge would not show up under the current background check law because the only pending information it would receive are crimes against persons. Also, currently, a person can not obtain a copy of his or her criminal history. As a result, someone from the criminal justice agency has to monitor that person while they are physically reviewing the case file. This bill would allow the person to receive a copy of his or her criminal history and would allow the agency to charge a copying fee to cover the costs of the copies. The bill also repeals outdated language referencing an information system Washington State Patrol (WSP) no longer uses.

**Persons Testifying:** PRO: Jason Berry, WSP.