

FINAL BILL REPORT

EHB 1620

C 332 L 17
Synopsis as Enacted

Brief Description: Concerning the authority of local governments to require criminal history background checks.

Sponsors: Representatives Lovick, McDonald, Johnson, Hayes, Stonier, Griffey, McBride, Harris, Springer, Stambaugh, Gregerson, Appleton, Muri and Haler.

House Committee on Local Government
Senate Committee on Local Government

Background:

Washington State Patrol—Background Checks.

The Washington State Patrol (WSP) Identification and Criminal History Section is the state's central repository for fingerprint-based criminal history record information. The WSP may disseminate criminal conviction records without restriction, but the dissemination of nonconviction records are subject to restrictions. A conviction record is criminal history record information relating to an incident that has led to a conviction or other disposition adverse to the subject. Nonconviction data is criminal history record information relating to an incident that has not led to a conviction or other disposition adverse to the subject, and for which proceedings are no longer actively pending.

Cities and Towns, Code Cities, Counties.

Cities and towns, code cities, and counties may require, by ordinance, a state and federal background investigation of license applicants or licensees in certain occupations. The WSP Identification and Criminal History Section must conduct the background checks, which may include a national check from the Federal Bureau of Investigation (FBI) through the submission of fingerprints. The requesting entity must pay fees as established by the WSP.

Metropolitan Park Districts.

A metropolitan park district (park district) is a type of special purpose district that may be created for the management, control, improvement, maintenance, or acquisition of parks, parkways, boulevards, and recreational facilities. Park districts are required to establish, by resolution, the requirements for a record check through the WSP and the FBI, of employees, volunteers, or independent contractors who may, in the course of their work with the park district:

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- have unsupervised access to children or vulnerable adults; or
- be responsible for collecting or disbursing cash or processing credit or debit card transactions.

A background check conducted through the FBI may include a fingerprint check. The park district is required to provide a copy of the record report to the individual who is the subject of the background check and may require that person to pay costs associated with the background check. The park district may employ the individual on a conditional basis, pending the completion of the background check. In addition, the park district may waive the background check requirement if the individual had a background check completed within the past 12 months.

Summary:

City and Towns, Code Cities, and Counties.

Cities and towns, code cities, and counties may require, by ordinance, a federal background investigation of employees, applicants for employment, volunteers, vendors, and independent contractors, who in the course of their work or volunteer activity, may have unsupervised access to:

- children;
- persons with developmental disabilities; and
- vulnerable adults.

For these same individuals, cities and towns, code cities, and counties may require, without an ordinance, a state background investigation, and a criminal background investigation conducted through a private organization. The WSP must conduct the state and federal background checks, which may include a national check from the FBI through the submission of fingerprints.

Metropolitan Park Districts.

Park districts are required to establish, by resolution, the requirements for state and federal record checks of park district employees, applicants for employment, volunteers, vendors, and independent contractors, who in the course of their work, may:

- have access to children, persons with developments disabilities, or vulnerable adults; or
- be responsible for collecting or disbursing cash or processing credit/debit card transactions.

For these same individuals, a park district may require, without a resolution, a criminal background check through a private organization. Vendors are added to the list of individuals who may be employed on a conditional basis pending completion of a background check and who do not need a new background check if they had one in the previous 12 months. The WSP must conduct the state and federal background checks, which may include a national check from the FBI through the submission of fingerprints.

Fees.

Cities and towns, code cities, and counties must pay for the background investigations they require. Park districts' discretion to charge individuals the cost of background checks is eliminated.

Votes on Final Passage:

House	69	29	
Senate	48	1	(Senate amended)
House			(House refused to concur)
Senate	49	0	(Senate receded/amended)
House	72	24	(House concurred)

Effective: July 23, 2017