

SENATE BILL REPORT

SB 5681

As of February 14, 2017

Title: An act relating to notice of criminal background checks by community youth athletic programs.

Brief Description: Concerning criminal background checks performed by community youth athletic programs.

Sponsors: Senator Fain.

Brief History:

Committee Activity: Law & Justice: 2/14/17.

Brief Summary of Bill

- Requires a community youth athletic program to notify parents of the program's policies relating to conducting criminal background checks for its employees and volunteers.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Shani Bauer (786-7468)

Background: Many entities doing business in the state must complete a background check for its employees and volunteers who supervise or provide services to children or vulnerable adults, including entities licensed through the Department of Social and Health Services, entities licensed by the Department of Early Learning, and school districts.

School districts, educational service districts (ESDs), the Washington State Center for Childhood Deafness and Hearing Loss, the state School for the Blind, and their contractors hiring employees who will have regularly scheduled unsupervised access to children must request a record check through the Washington State Patrol (WSP) and the Federal Bureau of Investigation (FBI). The record check must include a fingerprint check using a complete Washington State criminal identification fingerprint card. When a person is convicted of a crime against a child, the prosecutor is required to notify WSP of the conviction, who in turn must notify the Office of the Superintendent of Public Instruction (OSPI). OSPI must conduct a quarterly match of the information with all school employees.

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.

School districts are not currently required by law to conduct a background check for volunteers, including volunteer coaches. However, school districts generally have a policy requiring a Washington Access to Criminal History (WATCH) background check for volunteers. The WATCH is a minimal, online screening procedure utilizing a person's name and date of birth that looks at crimes against persons within Washington State. Many schools require volunteers to be rescreened each year.

Summary of Bill: Every community youth athletic program must provide written notice to the parent or guardian of any youth participating in the program regarding the program's policies relating to whether the program obtains criminal background checks for hired or volunteer coaches.

If criminal background checks are conducted, the written notice must also include the following:

- whether the criminal background check includes state and federal criminal history information and whether the program obtains subsequent arrest notification for those individuals; and
- contact information regarding where the parent or guardian can obtain additional information about the program's background check policy such as the entity providing the criminal background check and the nature of the type of offenses the program looks for.

Community youth athletic program means an organization whose primary purpose is the promotion or provision of athletic activities for youth under 18 years of age and that has employees or volunteers who have supervisory or disciplinary power over one or more youth under 18 years of age.

Written notice includes posting on the community youth athletic program's internet website.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: None.

Persons Testifying: No one.

Persons Signed In To Testify But Not Testifying: No one.