
SENATE BILL 5399

State of Washington 65th Legislature 2017 Regular Session

By Senators O'Ban, Miloscia, Darneille, Pearson, Takko, and Hunt

Read first time 01/23/17. Referred to Committee on Human Services,
Mental Health & Housing.

1 AN ACT Relating to the use of background checks for persons who
2 work with children, persons with developmental disabilities, and
3 vulnerable adults; and amending RCW 35.21.920, 35A.21.370, 36.01.300,
4 and 35.61.130.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 35.21.920 and 2010 c 47 s 2 are each amended to read
7 as follows:

8 (1) For the purpose of receiving criminal history record
9 information by city or town officials, cities or towns may((~~7~~)):

10 (a) By ordinance, require a state and federal background
11 investigation of license applicants or licensees in occupations
12 specified by ordinance ((for the purpose of receiving criminal
13 history record information by city or town officials));

14 (b) By ordinance, require a federal background investigation of
15 city or town employees, applicants for employment, volunteers,
16 vendors, and independent contractors, who, in the course of their
17 work or volunteer activity with the city or town, may have
18 unsupervised access to children, persons with developmental
19 disabilities, or vulnerable adults;

20 (c) Require a state criminal background investigation of city or
21 town employees, applicants for employment, volunteers, vendors, and

1 independent contractors, who, in the course of their work or
2 volunteer activity with the city or town, may have unsupervised
3 access to children, persons with developmental disabilities, or
4 vulnerable adults; and

5 (d) Require a criminal background investigation conducted through
6 a private organization of city or town employees, applicants for
7 employment, volunteers, vendors, and independent contractors, who, in
8 the course of their work or volunteer activity with the city or town,
9 may have unsupervised access to children, persons with developmental
10 disabilities, or vulnerable adults.

11 (2) The investigation conducted under subsection (1)(a) through
12 (c) of this section shall consist of a background check as allowed
13 through the Washington state criminal records privacy act under RCW
14 10.97.050, the Washington state patrol criminal identification system
15 under RCW 43.43.832 through 43.43.834, and the federal bureau of
16 investigation. ((These))

17 (3) The background checks conducted under subsection (1)(a)
18 through (c) of this section must be done through the Washington state
19 patrol identification and criminal history section and may include a
20 national check from the federal bureau of investigation, which shall
21 be through the submission of fingerprints. The Washington state
22 patrol shall serve as the sole source for receipt of fingerprint
23 submissions and the responses to the submissions from the federal
24 bureau of investigation, which must be disseminated to the city or
25 town.

26 (4) For a criminal background check conducted under subsection
27 (1)(a) through (c) of this section, the city or town shall transmit
28 appropriate fees for a state and national criminal history check to
29 the Washington state patrol, unless alternately arranged.

30 (5) The authority for background checks outlined in this section
31 is in addition to any other authority for such checks provided by
32 law.

33 **Sec. 2.** RCW 35A.21.370 and 2010 c 47 s 3 are each amended to
34 read as follows:

35 (1) For the purpose of receiving criminal history record
36 information by code city officials, code cities may((τ)):

37 (a) By ordinance, require a state and federal background
38 investigation of license applicants or licensees in occupations

1 specified by ordinance (~~for the purpose of receiving criminal~~
2 ~~history record information by code city officials~~);

3 (b) By ordinance, require a federal background investigation of
4 code city employees, applicants for employment, volunteers, vendors,
5 and independent contractors, who, in the course of their work or
6 volunteer activity with the code city, may have unsupervised access
7 to children, persons with developmental disabilities, or vulnerable
8 adults;

9 (c) Require a state criminal background investigation of code
10 city employees, applicants for employment, volunteers, vendors, and
11 independent contractors, who, in the course of their work or
12 volunteer activity with the code city, may have unsupervised access
13 to children, persons with developmental disabilities, or vulnerable
14 adults; and

15 (d) Require a criminal background investigation conducted through
16 a private organization of code city employees, applicants for
17 employment, volunteers, vendors, and independent contractors, who, in
18 the course of their work or volunteer activity with the code city,
19 may have unsupervised access to children, persons with developmental
20 disabilities, or vulnerable adults.

21 (2) The investigation conducted under subsection (1)(a) through
22 (c) of this section shall consist of a background check as allowed
23 through the Washington state criminal records privacy act under RCW
24 10.97.050, the Washington state patrol criminal identification system
25 under RCW 43.43.832 through 43.43.834, and the federal bureau of
26 investigation. ((These))

27 (3) The background checks conducted under subsection (1)(a)
28 through (c) of this section must be done through the Washington state
29 patrol identification and criminal history section and may include a
30 national check from the federal bureau of investigation, which shall
31 be through the submission of fingerprints. The Washington state
32 patrol shall serve as the sole source for receipt of fingerprint
33 submissions and the responses to the submissions from the federal
34 bureau of investigation, which must be disseminated to the code city.

35 (4) For a criminal background check conducted under subsection
36 (1)(a) through (c) of this section, the code city shall transmit
37 appropriate fees for a state and national criminal history check to
38 the Washington state patrol, unless alternately arranged.

1 (5) The authority for background checks outlined in this section
2 is in addition to any other authority for such checks provided by
3 law.

4 **Sec. 3.** RCW 36.01.300 and 2010 c 47 s 1 are each amended to read
5 as follows:

6 (1) For the purpose of receiving criminal history record
7 information by county officials, counties may((τ)):

8 (a) By ordinance, require a state and federal background
9 investigation of license applicants or licensees in occupations
10 specified by ordinance ((for the purpose of receiving criminal
11 history record information by county officials));

12 (b) By ordinance, require a federal background investigation of
13 county employees, applicants for employment, volunteers, vendors, and
14 independent contractors, who, in the course of their work or
15 volunteer activity with the county, may have unsupervised access to
16 children, persons with developmental disabilities, or vulnerable
17 adults;

18 (c) Require a state background investigation of county employees,
19 applicants for employment, volunteers, vendors, and independent
20 contractors, who, in the course of their work or volunteer activity
21 with the county, may have unsupervised access to children, persons
22 with developmental disabilities, or vulnerable adults; and

23 (d) Require a criminal background investigation conducted through
24 a private organization of county employees, applicants for
25 employment, volunteers, vendors, and independent contractors, who, in
26 the course of their work or volunteer activity with the county, may
27 have unsupervised access to children, persons with developmental
28 disabilities, or vulnerable adults.

29 (2) The investigation conducted under subsection (1)(a) through
30 (c) of this section shall consist of a background check as allowed
31 through the Washington state criminal records privacy act under RCW
32 10.97.050, the Washington state patrol criminal identification system
33 under RCW 43.43.832 through 43.43.834, and the federal bureau of
34 investigation. ((These))

35 (3) The background checks conducted under subsection (1)(a)
36 through (c) of this section must be done through the Washington state
37 patrol identification and criminal history section and may include a
38 national check from the federal bureau of investigation, which shall
39 be through the submission of fingerprints. The Washington state

1 patrol shall serve as the sole source for receipt of fingerprint
2 submissions and the responses to the submissions from the federal
3 bureau of investigation, which must be disseminated to the county.

4 (4) For a criminal background check conducted under subsection
5 (1)(a) through (c) of this section, the county shall transmit
6 appropriate fees for a state and national criminal history check to
7 the Washington state patrol, unless alternately arranged.

8 (5) The authority for background checks outlined in this section
9 is in addition to any other authority for such checks provided by
10 law.

11 **Sec. 4.** RCW 35.61.130 and 2006 c 222 s 1 are each amended to
12 read as follows:

13 (1) A metropolitan park district has the right of eminent domain,
14 and may purchase, acquire and condemn lands lying within or without
15 the boundaries of said park district, for public parks, parkways,
16 boulevards, aviation landings and playgrounds, and may condemn such
17 lands to widen, alter and extend streets, avenues, boulevards,
18 parkways, aviation landings and playgrounds, to enlarge and extend
19 existing parks, and to acquire lands for the establishment of new
20 parks, boulevards, parkways, aviation landings and playgrounds. The
21 right of eminent domain shall be exercised and instituted pursuant to
22 resolution of the board of park commissioners and conducted in the
23 same manner and under the same procedure as is or may be provided by
24 law for the exercise of the power of eminent domain by incorporated
25 cities and towns of the state of Washington in the acquisition of
26 property rights: PROVIDED, HOWEVER, Funds to pay for condemnation
27 allowed by this section shall be raised only as specified in this
28 chapter.

29 (2) The board of park commissioners shall have power to employ
30 counsel, and to regulate, manage and control the parks, parkways,
31 boulevards, streets, avenues, aviation landings and playgrounds under
32 its control, and to provide for park police, for a secretary of the
33 board of park commissioners and for all necessary employees, to fix
34 their salaries and duties.

35 (3) The board of park commissioners shall have power to improve,
36 acquire, extend and maintain, open and lay out, parks, parkways,
37 boulevards, avenues, aviation landings and playgrounds, within or
38 without the park district, and to authorize, conduct and manage the
39 letting of boats, or other amusement apparatus, the operation of bath

1 houses, the purchase and sale of foodstuffs or other merchandise, the
2 giving of vocal or instrumental concerts or other entertainments, the
3 establishment and maintenance of aviation landings and playgrounds,
4 and generally the management and conduct of such forms of recreation
5 or business as it shall judge desirable or beneficial for the public,
6 or for the production of revenue for expenditure for park purposes;
7 and may pay out moneys for the maintenance and improvement of any
8 such parks, parkways, boulevards, avenues, aviation landings and
9 playgrounds as now exist, or may hereafter be acquired, within or
10 without the limits of said city and for the purchase of lands within
11 or without the limits of said city, whenever it deems the purchase to
12 be for the benefit of the public and for the interest of the park
13 district, and for the maintenance and improvement thereof and for all
14 expenses incidental to its duties: PROVIDED, That all parks,
15 boulevards, parkways, aviation landings and playgrounds shall be
16 subject to the police regulations of the city within whose limits
17 they lie.

18 ~~(4) ((For all employees, volunteers, or independent contractors,~~
19 ~~who may, in the course of their work or volunteer activity with the~~
20 ~~park district, have unsupervised access to children or vulnerable~~
21 ~~adults, or be responsible for collecting or disbursing cash or~~
22 ~~processing credit/debit card transactions,))~~

23 (a) For the purpose of receiving criminal history record
24 information by metropolitan park districts, metropolitan park
25 districts:

26 (i) Shall establish by resolution the requirements for a state
27 and federal record check of park district employees, applicants for
28 employment, volunteers, vendors, and independent contractors, who, in
29 the course of their work or volunteer activity with the park
30 district, may:

31 (A) Have unsupervised access to children, persons with
32 developmental disabilities, or vulnerable adults; or

33 (B) Be responsible for collecting or disbursing cash or
34 processing credit/debit card transactions; and

35 (ii) May require a criminal background check conducted through a
36 private organization of park district employees, applicants for
37 employment, volunteers, vendors, and independent contractors, who, in
38 the course of their work or volunteer activity with the park
39 district, may have unsupervised access to children, persons with
40 developmental disabilities, or vulnerable adults.

1 (b) The investigation under (a)(i) of this subsection shall
2 consist of a background check as allowed through the Washington state
3 patrol criminal identification system under RCW 43.43.830 through
4 43.43.834, the Washington state criminal records act under RCW
5 10.97.030((7)) and 10.97.050, and ((through)) the federal bureau of
6 investigation((, including a fingerprint check using a complete
7 Washington state criminal identification fingerprint card)).

8 (c) The background checks conducted under (a)(i) of this
9 subsection must be done through the Washington state patrol
10 identification and criminal history section and may include a
11 national check from the federal bureau of investigation, which shall
12 be through the submission of fingerprints. The Washington state
13 patrol shall serve as the sole source for receipt of fingerprint
14 submissions and the responses to the submissions from the federal
15 bureau of investigation, which must be disseminated to the
16 metropolitan park district.

17 (d) The park district shall provide a copy of the record report
18 to the employee, volunteer, or independent contractor.

19 (e) When necessary, as determined by the park district,
20 prospective employees, volunteers, vendors, or independent
21 contractors may be employed on a conditional basis pending completion
22 of the investigation.

23 (f) If the prospective employee, volunteer, vendor, or
24 independent contractor has had a record check within the previous
25 twelve months, the park district may waive the requirement upon
26 receiving a copy of the record.

27 (g) For background checks conducted pursuant to (c) of this
28 subsection, the metropolitan park district must transmit appropriate
29 fees, as the Washington state patrol may require under RCW 10.97.100
30 and 43.43.838, to the Washington state patrol, unless alternately
31 arranged. The park district may in its discretion require that the
32 employee, prospective employee, volunteer, vendor, or independent
33 contractor pay the costs associated with the record check.

34 (h) The authority for background checks outlined in this section
35 is in addition to any other authority for such checks provided by
36 law.

--- END ---