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HOUSE BILL 2146

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State of Washington

52nd Legislature

1991 Regular Session

By Representatives Fraser, Vance, Chandler, D. Sommers, Forner, R. King, Winsley, Moyer, Horn, Morton and Hochstatter.

Read first time March 1, 1991. Referred to Committee on Judiciary.

1 AN ACT Relating to criminal history background checks; and amending  
2 RCW 43.43.832.

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

4 **Sec. 1.** RCW 43.43.832 and 1990 c 3 s 1102 are each amended to read  
5 as follows:

6 (1) The legislature finds that businesses and organizations  
7 providing services to children, developmentally disabled persons, and  
8 vulnerable adults need adequate information to determine which  
9 employees or licensees to hire or engage. Therefore, the Washington  
10 state patrol criminal identification system may disclose, upon the  
11 request of a business or organization as defined in RCW 43.43.830, an  
12 applicant's record for:

13 (a) Convictions of offenses against children or other persons(())i

14 (b) Convictions for crimes relating to financial exploitation,  
15 (~~but only~~)) if the victim was a vulnerable adult(())i

1        (c) Adjudications of child abuse in a civil action((7))i

2        (d) The issuance of a protection order against the respondent under  
3 chapter 74.34 RCW((7))i and

4        (e) Disciplinary board final decisions and any subsequent criminal  
5 charges associated with the conduct that is the subject of the  
6 disciplinary board final decision. When necessary, applicants may be  
7 employed on a conditional basis pending completion of such a background  
8 investigation.

9        (2) Any out-of-state applicant who will or may have unsupervised  
10 access to children under the age of sixteen shall be fingerprinted for  
11 the purpose of obtaining a national criminal history background check.  
12 The Washington state patrol shall forward one set of fingerprints to  
13 the federal bureau of investigation to obtain a copy of the applicant's  
14 national criminal history. The Washington state patrol shall disclose  
15 the information obtained from the federal bureau of investigation to  
16 the business, organization, or the department of social and health  
17 services. The applicant shall pay the fee charged by the federal  
18 bureau of investigation for the national criminal history search. When  
19 necessary, applicants may be employed on a conditional basis pending  
20 completion of the background check.

21        (3) The legislature also finds that the state board of education  
22 may request of the Washington state patrol criminal identification  
23 system information regarding a certificate applicant's record for  
24 convictions under subsection (1) of this section.

25        ~~((3))~~ (4) The legislature also finds that law enforcement  
26 agencies, the office of the attorney general, prosecuting authorities,  
27 and the department of social and health services may request this same  
28 information to aid in the investigation and prosecution of child,  
29 developmentally disabled person, and vulnerable adult abuse cases and  
30 to protect children and adults from further incidents of abuse.

1        (~~(4)~~) (5) The legislature further finds that the department of  
2 social and health services, when considering persons for state  
3 positions directly responsible for the care, supervision, or treatment  
4 of children, developmentally disabled persons, or vulnerable adults or  
5 when licensing or authorizing such persons or agencies pursuant to its  
6 authority under chapter 74.15, 18.51, 18.20, or 72.23 RCW, or any  
7 later-enacted statute which purpose is to license or regulate a  
8 facility which handles vulnerable adults, must consider the information  
9 listed in subsections (1) and (2) of this section. However, when  
10 necessary, persons may be employed on a conditional basis pending  
11 completion of the background investigation. The state personnel board  
12 shall adopt rules to accomplish the purposes of this subsection as it  
13 applies to state employees.