

SENATE BILL REPORT

SB 6288

As Passed Senate, February 10, 2010

Title: An act relating to the authority of counties, cities, and towns to request criminal background checks from the Washington state patrol.

Brief Description: Authorizing counties, cities, and towns to request background checks for certain license applicants and licensees.

Sponsors: Senators Pridemore, Fairley, Kohl-Welles and Kline.

Brief History:

Committee Activity: Government Operations & Elections: 1/25/10, 1/26/10 [DP].
Passed Senate: 2/10/10, 47-0.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; McDermott, Pridemore and Swecker.

Staff: Alison Mendiola (786-7483)

Background: Local governments in Washington are authorized by statute to issue licenses and certificates for specified professions or occupations that are not otherwise issued by the state. Examples of such occupations include drivers of taxicabs or other for-hire vehicles and dealers of secondhand goods.

The Washington State Patrol Identification and Criminal History Section (WASIS) is the statewide repository for fingerprint-based Criminal History Record Information (CHRI). The Washington State Patrol (WSP) is authorized to disseminate conviction data within the WASIS database to local governments without restriction. The WASIS database is limited to CHRI for crimes committed in Washington.

The Federal Bureau of Investigation (FBI) is the national repository for fingerprint-based CHRI. Pursuant to federal law, the FBI may only conduct national criminal record background investigations at the request of state and local government officials for licensing and employment purposes when language authorizing national criminal background

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investigations is expressly stated in state statute. Current state law authorizes certain state agencies to request national criminal background investigations from the FBI.

There is no expressed statutory authorization for local governments to request national criminal background investigations.

Summary of Bill: Local governments may, by ordinance, require a state and federal background investigation of license applicants or licensees in occupations for which the local government has licensing authority.

State background investigations must be processed through the WASIS, as provided for in statute, and may also include a fingerprint-based national background check through the FBI. The WSP must be the sole source for receipt of fingerprint submissions, as well as responses to the submissions, from the FBI. The WSP is also responsible for disseminating the results of the national background investigations to the requesting local government.

The local government requesting the background investigation is responsible for transmitting the appropriate fees for a state and national criminal history check to the WSP, unless alternately arranged.

Appropriation: None.

Fiscal Note: Not requested.

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 will restore the ability of the WSP to request federal background checks before someone is licensed at the local level. This was the long-standing practice of the locals which was recently disrupted when it was determined by the feds that the state did not have the necessary statute authorizing such background checks. This is necessary for the protection of the children, the elderly, and the frail. Federal law specifies what licensees can be investigated. The FBI has reviewed this legislation. In the City of Vancouver, the city is using a private company to get conviction data from states where licensees/applicants have filed taxes. Currently, through the WSP the city can only get statewide conviction information.

OTHER: We should ensure that when you employ other types of licensees that there aren't duplicative requests for background checks.

Persons Testifying: PRO: Mark Brown, Phillip Gigler, City of Vancouver.

OTHER: Robert Berschauer, Washington Ambulance Association.