

FINAL BILL REPORT

HB 1419

C 253 L 11
Synopsis as Enacted

Brief Description: Allowing the department of early learning and the department of social and health services to share background check information.

Sponsors: Representatives Kagi, Roberts and Dickerson; by request of Department of Early Learning.

House Committee on Early Learning & Human Services
Senate Committee on Human Services & Corrections

Background:

Criminal History Background Checks.

The Department of Social and Health Services (DSHS) and the Department of Early Learning (DEL) are both authorized to examine state and national criminal information regarding any person who may have unsupervised access to children or vulnerable adults in licensed care. National criminal history information is obtained through the Federal Bureau of Investigation (FBI) via fingerprints. The DEL is required to obtain a fingerprint-based background check on applicants who have not resided in Washington for three years. Background checks conducted on behalf of the DSHS and the DEL are completed in coordination with the DSHS Background Check Central Unit, which processes and stores the information. Background check results requested by one agency are not shared with another.

Commercial Sexual Abuse of Minor.

The crime of Patronizing a Juvenile Prostitute was changed to Commercial Sexual Abuse of a Minor in 2007. Commercial Sexual Abuse of a minor is a class B felony.

Summary:

Criminal History Background Checks.

The DSHS's authorization to examine state and national criminal identification data is changed to a requirement to complete fingerprint-based background checks through both the Washington State Patrol and the FBI. The DEL and the DSHS are required to share federal fingerprint-based background check results in order to fulfill their joint responsibility to check the background of any individual who may have unsupervised access to vulnerable children or adults.

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.

A peer counselor is not considered to have unsupervised contact with a child under the age of 16 when the contact is incidental contact and the contact occurs at the location where the peer counseling takes place. With regard to peer counselors, incidental contact is defined as minor or casual contact with a child in an area accessible to and within visual and auditory range of others. Incidental contact could include passing a child while walking down a hallway but would not include being alone with a child for any period of time in a closed room or office. A peer counselor is defined as a nonprofessional person who has equal standing with another person and provides advice on a topic about which the nonprofessional person is more experienced or knowledgeable; a peer counselor must be a counselor for a peer counseling program that contracts with or is otherwise approved by the DSHS, another state or local agency, or the court.

Commercial Sexual Abuse of a Minor.

Patronizing a Juvenile Prostitute is deleted from the list of crimes against children and Commercial Sexual Abuse of a Minor is added.

Votes on Final Passage:

House	95	0	
Senate	46	1	(Senate amended)
House	96	0	(House concurred)

Effective: July 22, 2011