
HOUSE BILL 2138

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Hayes, Moscoso, Takko, Johnson, Klippert, Ross, and Riccelli; by request of Washington State Patrol

Prefiled 12/27/13. Read first time 01/13/14. Referred to Committee on Public Safety.

1 AN ACT Relating to fees concerning criminal records checks; and
2 amending RCW 43.43.838.

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

4 **Sec. 1.** RCW 43.43.838 and 2009 c 170 s 1 are each amended to read
5 as follows:

6 (1) (~~After January 1, 1988, and~~) Notwithstanding any provision of
7 RCW 43.43.700 through 43.43.810 to the contrary, the state patrol
8 (~~shall~~) must furnish a transcript of the conviction record pertaining
9 to any person for whom the state patrol or the federal bureau of
10 investigation has a record upon the written request of:

- 11 (a) The subject of the inquiry;
- 12 (b) Any business or organization for the purpose of conducting
13 evaluations under RCW 43.43.832;
- 14 (c) The department of social and health services;
- 15 (d) Any law enforcement agency, prosecuting authority, or the
16 office of the attorney general;
- 17 (e) The department of social and health services for the purpose of
18 meeting responsibilities set forth in chapter 74.15, 18.51, 18.20, or
19 72.23 RCW, or any later-enacted statute which purpose is to regulate or

1 license a facility which handles vulnerable adults. However, access to
2 conviction records pursuant to this subsection (1)(e) does not limit or
3 restrict the ability of the department to obtain additional information
4 regarding conviction records and pending charges as set forth in RCW
5 74.15.030(2)(b); or

6 (f) The department of early learning for the purpose of meeting
7 responsibilities in chapter 43.215 RCW.

8 (2) The state patrol shall by rule establish fees (~~for~~
9 ~~disseminating records~~) to cover, as nearly as practicable, the direct
10 and indirect costs to the state patrol of disseminating the records:

11 (a) Under this section to recipients identified in subsection
12 (1)(a) and (b) of this section(~~. The state patrol shall also by rule~~
13 establish fees for disseminating records));

14 (b) In the custody of the national crime information center(~~. The~~
15 revenue from the fees shall cover, as nearly as practicable, the direct
16 and indirect costs to the state patrol of disseminating the records.
17 No fee shall be charged to a nonprofit organization for the records
18 check. Record checks));

19 (c) Requested by nonprofit organizations, school districts, and
20 educational service districts using only name and date of birth will be
21 provided free of charge.

22 (3) No employee of the state, employee of a business or
23 organization, or the business or organization is liable for defamation,
24 invasion of privacy, negligence, or any other claim in connection with
25 any lawful dissemination of information under RCW 43.43.830 through
26 43.43.840 or 43.43.760.

27 (4) (~~Before July 26, 1987,~~) The state patrol (~~shall~~) may adopt
28 rules and forms to implement this section and to provide for security
29 and privacy of information disseminated under this section, giving
30 first priority to the criminal justice requirements of this chapter.
31 The rules may include requirements for users, audits of users, and
32 other procedures to prevent use of civil adjudication record
33 information or criminal history record information inconsistent with
34 this chapter.

35 (5) Nothing in RCW 43.43.830 through 43.43.840 shall authorize an
36 employer to make an inquiry not specifically authorized by this

1 chapter, or be construed to affect the policy of the state declared in
2 chapter 9.96A RCW.

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