

# SENATE BILL REPORT

## SB 5330

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As Passed Senate, March 7, 1995

**Title:** An act relating to the release of background information by the state patrol.

**Brief Description:** Regulating background checks.

**Sponsors:** Senators Smith and Franklin; by request of Washington State Patrol.

**Brief History:**

**Committee Activity:** Law & Justice: 2/6/95, 2/14/95 [DP].  
Passed Senate, 3/7/95, 47-0.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

**Staff:** Martin Lovinger (786-7443)

**Background:** When a person is applying for employment in which the prospective employee will have unsupervised contact with children or vulnerable adults, the business or organization may, and in some cases must, request a background check of the applicant's criminal record from the Washington State Patrol (WSP). WSP is required to send a copy of the result to both the employer and the applicant.

Approximately 160,000 requests for background checks are sent to the WSP annually. Of these, around 95 percent reveal no criminal record. Under current procedure, notification is sent only to the employer, when the applicant has no criminal record.

**Summary of Bill:** After performing a background check of an applicant for employment, the Washington State Patrol is only required to send notice to the business or organization if the check indicates that there is no evidence that the applicant has a criminal record. The employer must send a copy of the notice to the applicant.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This is a technical housekeeping bill for the Washington State Patrol. This bill limits the requirement burden on WSP with regard to sending out notice of no criminal record.

**Testimony Against:** Applicants have rights and should receive notice. Employers may not comply with requirement to send notice to applicant.

**Testified:** Capt. Bob Leichner, WSP (pro); Commander John Broome, WSP (pro); Jim Whittenburg, Lobby for Social Concerns (con).