
SENATE BILL 5330

State of Washington 54th Legislature 1995 Regular Session

By Senators Smith and Franklin; by request of Washington State Patrol

Read first time 01/19/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to the release of background information by the
2 state patrol; and 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 1992 c 159 s 7 are each amended to read
5 as follows:

6 (1) After January 1, 1988, and notwithstanding any provision of RCW
7 43.43.700 through 43.43.810 to the contrary, the state patrol shall
8 furnish a transcript of the conviction record, disciplinary board final
9 decision and any subsequent criminal charges associated with the
10 conduct that is the subject of the disciplinary board final decision,
11 or civil adjudication record pertaining to any person for whom the
12 state patrol or the federal bureau of investigation has a record upon
13 the written request of:

14 (a) The subject of the inquiry;

15 (b) Any business or organization for the purpose of conducting
16 evaluations under RCW 43.43.832;

17 (c) The department of social and health services;

18 (d) Any law enforcement agency, prosecuting authority, or the
19 office of the attorney general; or

1 (e) The department of social and health services for the purpose of
2 meeting responsibilities set forth in chapter 74.15, 18.51, 18.20, or
3 72.23 RCW, or any later-enacted statute which purpose is to regulate or
4 license a facility which handles vulnerable adults. However, access to
5 conviction records pursuant to this subsection (1)(e) does not limit or
6 restrict the ability of the department to obtain additional information
7 regarding conviction records and pending charges as set forth in RCW
8 74.15.030(2)(b).

9 After processing the request, if the conviction record,
10 disciplinary board final decision and any subsequent criminal charges
11 associated with the conduct that is the subject of the disciplinary
12 board final decision, or adjudication record shows no evidence of a
13 crime against children or other persons or, in the case of vulnerable
14 adults, no evidence of crimes relating to financial exploitation in
15 which the victim was a vulnerable adult, an identification declaring
16 the showing of no evidence shall be issued to the ((applicant))
17 business or organization by the state patrol and shall be issued within
18 fourteen working days of the request. The business or organization
19 shall provide a copy of the identification declaring the showing of no
20 evidence to the applicant. Possession of such identification shall
21 satisfy future record check requirements for the applicant for a two-
22 year period unless the prospective employee is any current school
23 district employee who has applied for a position in another school
24 district.

25 (2) The state patrol shall by rule establish fees for disseminating
26 records under this section to recipients identified in subsection
27 (1)(a) and (b) of this section. The state patrol shall also by rule
28 establish fees for disseminating records in the custody of the national
29 crime information center. The revenue from the fees shall cover, as
30 nearly as practicable, the direct and indirect costs to the state
31 patrol of disseminating the records: PROVIDED, That no fee shall be
32 charged to a nonprofit organization for the records check: PROVIDED
33 FURTHER, That in the case of record checks using fingerprints requested
34 by school districts and educational service districts, the state patrol
35 shall charge only for the incremental costs associated with checking
36 fingerprints in addition to name and date of birth. Record checks
37 requested by school districts and educational service districts using
38 only name and date of birth shall continue to be provided free of
39 charge.

1 (3) No employee of the state, employee of a business or
2 organization, or the business or organization is liable for defamation,
3 invasion of privacy, negligence, or any other claim in connection with
4 any lawful dissemination of information under RCW 43.43.830 through
5 43.43.840 or 43.43.760.

6 (4) Before July 26, 1987, the state patrol shall adopt rules and
7 forms to implement this section and to provide for security and privacy
8 of information disseminated under this section, giving first priority
9 to the criminal justice requirements of this chapter. The rules may
10 include requirements for users, audits of users, and other procedures
11 to prevent use of civil adjudication record information or criminal
12 history record information inconsistent with this chapter.

13 (5) Nothing in RCW 43.43.830 through 43.43.840 shall authorize an
14 employer to make an inquiry not specifically authorized by this
15 chapter, or be construed to affect the policy of the state declared in
16 chapter 9.96A RCW.

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