

SENATE BILL REPORT

HB 2058

As Reported By Senate Committee On:
Early Learning, K-12 & Higher Education, March 31, 2005

Title: An act relating to school employees convicted of or pleading guilty to sex crimes.

Brief Description: Regarding notice requirements for school employees convicted of sexual offenses.

Sponsors: Representatives Quall, Talcott, P. Sullivan, Anderson, Appleton, O'Brien, Lovick, Darneille, Haigh, Holmquist and Ericks.

Brief History: Passed House: 3/10/05, 94-0.

Committee Activity: Early Learning, K-12 & Higher Education: 3/28/05, 3/31/05 [DP].

SENATE COMMITTEE ON EARLY LEARNING, K-12 & HIGHER EDUCATION

Majority Report: Do pass.

Signed by Senators McAuliffe, Chair; Pridemore, Vice Chair; Weinstein, Vice Chair; Schmidt, Ranking Minority Member; Benton, Berkey, Carrell, Delvin, Eide, Kohl-Welles, Mulliken, Pflug, Rasmussen, Rockefeller, Schoesler and Shin.

Staff: Heather Lewis-Lechner (786-7448)

Background: Under current law, a school district must perform a background check including a fingerprint-record check when hiring a staff person who will have regularly scheduled unsupervised access to children. This background check is intended to reveal any pre-employment convictions. After the initial background check, a school district employer is notified of convictions occurring during employment only to the extent required by law.

Whenever a person is convicted of or pleads guilty to particular types of crimes, the prosecuting attorney must determine whether the person holds a teaching or administrative certificate or is employed by a school district. If the person does hold a certificate or is employed by a school district, the prosecuting attorney must notify the Washington State Patrol (WSP). The WSP then must notify the Office of the Superintendent of Public Instruction (OSPI), who must report the information to the State Board of Education (SBE) and to the school district where the person is employed.

The types of crimes to which these reporting requirements apply includes the comprehensive list of felony sex offenses under RCW 9A.44. These reporting requirements, however, are triggered only when a minor is the victim of the particular sex offense.

Summary of Bill: The modifying phrase "where a minor is the victim" is removed. If a school employee or certificated person is convicted of or pleads guilty to a felony sex offense, regardless of whether the victim was minor, the prosecuting attorney must notify the WSP.

The WSP must then notify OSPI, who must notify the SBE and the school district where the person is employed.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Testimony For: This bill is a small fix for a big problem. This bill was brought to the Legislature by a superintendent who had hired an individual that would have been caught under the provisions of this bill. This bill will create greater security for our children.

Testimony Against: None.

Who Testified: PRO: Representative Quall, prime sponsor.