

SENATE BILL REPORT

SB 5439

As Passed Senate, February 14, 2006

Title: An act relating to background checks on gubernatorial appointees.

Brief Description: Authorizing background checks on gubernatorial appointees.

Sponsors: Senators Roach, Swecker, Delvin, Sheldon, Parlette, Kohl-Welles and McCaslin; by request of Washington State Patrol.

Brief History:

Committee Activity: Government Operations & Elections: 2/10/05, 2/15/05 [DP, DNP, w/oRec].

Passed Senate: 2/14/06, 43-2.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Roach, Ranking Minority Member; Haugen, Kline and McCaslin.

Minority Report: Do not pass.

Signed by Senator Fairley.

Minority Report: Without recommendation. Signed by Senator Benton.

Staff: Genevieve Pisarski (786-7488)

Background: Procedures for confirmation of gubernatorial appointments require the Governor to transmit pertinent information about a prospective appointee to the Secretary of the Senate.

In respect to information that could be pertinent regarding criminal activity, only information relating to criminal conviction in Washington State is currently available to the Governor for background checks on prospective gubernatorial appointees. Additional information that is potentially available includes the entire scope of "criminal history record information," which encompasses both information relating to formal criminal charges and their disposition and information relating to incidents that did not result in conviction or other adverse disposition. This information is available only to criminal justice agencies.

Summary of Bill: When requested by the Governor or the Director of the Department of Personnel regarding gubernatorial appointments of agency heads, the Washington State Patrol must check nonconviction criminal history fingerprint records itself and through the Federal Bureau of Investigation. Agency heads are those individuals or bodies who are vested by law with the ultimate legal authority of an agency.

An appointment may be conditional, pending completion of the check. The Governor and the Department of Personnel must maintain the confidentiality of the information obtained.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: If there is anything about an appointee that could damage the state, we want to know about it before, not after, the person is appointed. This authority is necessary to be able to do a complete background check and look at both conviction and nonconviction information as a whole.

Testimony Against: None.

Who Testified: PRO: Senator McCaslin, prime sponsor; Fred Fakkema, Washington State Patrol.