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ENGROSSED HOUSE BILL 1620

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State of Washington

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2017 Regular Session

By Representatives Lovick, McDonald, Johnson, Hayes, Stonier, Griffey, McBride, Harris, Springer, Stambaugh, Gregerson, Appleton, Muri, and Haler

Read first time 01/25/17. Referred to Committee on Local Government.

1 AN ACT Relating to expanding the authority of local governments  
2 to require criminal history background checks; and amending RCW  
3 35.21.920, 35A.21.370, 36.01.300, and 35.61.130.

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

5 **Sec. 1.** RCW 35.21.920 and 2010 c 47 s 2 are each amended to read  
6 as follows:

7 (1) For the purpose of receiving criminal history record  
8 information by city or town officials, cities or towns may((~~7~~)):

9 (a) By ordinance, require a state and federal background  
10 investigation of license applicants or licensees in occupations  
11 specified by ordinance ((for the purpose of receiving criminal  
12 history record information by city or town officials)):

13 (b) By ordinance, require a federal background investigation of  
14 city or town employees, applicants for employment, volunteers,  
15 vendors, and independent contractors, who, in the course of their  
16 work or volunteer activity with the city or town, may have  
17 unsupervised access to children, persons with developmental  
18 disabilities, or vulnerable adults;

19 (c) Require a state criminal background investigation of city or  
20 town employees, applicants for employment, volunteers, vendors, and  
21 independent contractors, who, in the course of their work or

1 volunteer activity with the city or town, may have unsupervised  
2 access to children, persons with developmental disabilities, or  
3 vulnerable adults; and

4 (d) Require a criminal background investigation conducted through  
5 a private organization of city or town employees, applicants for  
6 employment, volunteers, vendors, and independent contractors, who, in  
7 the course of their work or volunteer activity with the city or town,  
8 may have unsupervised access to children, persons with developmental  
9 disabilities, or vulnerable adults.

10 (2) The investigation conducted under subsection (1)(a) through  
11 (c) of this section shall consist of a background check as allowed  
12 through the Washington state criminal records privacy act under RCW  
13 10.97.050, the Washington state patrol criminal identification system  
14 under RCW 43.43.832 through 43.43.834, and the federal bureau of  
15 investigation. ((These))

16 (3) The background checks conducted under subsection (1)(a)  
17 through (c) of this section must be done through the Washington state  
18 patrol identification and criminal history section and may include a  
19 national check from the federal bureau of investigation, which shall  
20 be through the submission of fingerprints. The Washington state  
21 patrol shall serve as the sole source for receipt of fingerprint  
22 submissions and the responses to the submissions from the federal  
23 bureau of investigation, which must be disseminated to the city or  
24 town.

25 (4) For a criminal background check conducted under subsection  
26 (1)(a) through (c) of this section, the city or town shall transmit  
27 appropriate fees for a state and national criminal history check to  
28 the Washington state patrol, unless alternately arranged. The cost of  
29 investigations conducted under this section shall be borne by the  
30 city or town, unless the city's or town's budget limits its ability  
31 to reasonably absorb such costs. If the city or town cannot  
32 reasonably absorb the costs of such investigations, the city or town  
33 may in its discretion require that the employee, prospective  
34 employee, volunteer, vendor, or independent contractor pay the costs  
35 associated with the record check. Any fingerprinting costs may be  
36 borne by the applicant, although an agency may agree to absorb those  
37 costs or reimburse the applicant for those costs upon hire.

38 (5) The authority for background checks outlined in this section  
39 is in addition to any other authority for such checks provided by  
40 law.

1       **Sec. 2.** RCW 35A.21.370 and 2010 c 47 s 3 are each amended to  
2 read as follows:

3       (1) For the purpose of receiving criminal history record  
4 information by code city officials, code cities may((~~τ~~)):

5       (a) By ordinance, require a state and federal background  
6 investigation of license applicants or licensees in occupations  
7 specified by ordinance ((~~for the purpose of receiving criminal~~  
8 history record information by code city officials)):

9       (b) By ordinance, require a federal background investigation of  
10 code city employees, applicants for employment, volunteers, vendors,  
11 and independent contractors, who, in the course of their work or  
12 volunteer activity with the code city, may have unsupervised access  
13 to children, persons with developmental disabilities, or vulnerable  
14 adults;

15       (c) Require a state criminal background investigation of code  
16 city employees, applicants for employment, volunteers, vendors, and  
17 independent contractors, who, in the course of their work or  
18 volunteer activity with the code city, may have unsupervised access  
19 to children, persons with developmental disabilities, or vulnerable  
20 adults; and

21       (d) Require a criminal background investigation conducted through  
22 a private organization of code city employees, applicants for  
23 employment, volunteers, vendors, and independent contractors, who, in  
24 the course of their work or volunteer activity with the code city,  
25 may have unsupervised access to children, persons with developmental  
26 disabilities, or vulnerable adults.

27       (2) The investigation conducted under subsection (1)(a) through  
28 (c) of this section shall consist of a background check as allowed  
29 through the Washington state criminal records privacy act under RCW  
30 10.97.050, the Washington state patrol criminal identification system  
31 under RCW 43.43.832 through 43.43.834, and the federal bureau of  
32 investigation. ((These))

33       (3) The background checks conducted under subsection (1)(a)  
34 through (c) of this section must be done through the Washington state  
35 patrol identification and criminal history section and may include a  
36 national check from the federal bureau of investigation, which shall  
37 be through the submission of fingerprints. The Washington state  
38 patrol shall serve as the sole source for receipt of fingerprint  
39 submissions and the responses to the submissions from the federal  
40 bureau of investigation, which must be disseminated to the code city.

1 (4) For a criminal background check conducted under subsection  
2 (1)(a) through (c) of this section, the code city shall transmit  
3 appropriate fees for a state and national criminal history check to  
4 the Washington state patrol, unless alternately arranged. The cost of  
5 investigations conducted under this section shall be borne by the  
6 code city, unless the code city's budget limits its ability to  
7 reasonably absorb such costs. If the code city cannot reasonably  
8 absorb the costs of such investigations, the code city may in its  
9 discretion require that the employee, prospective employee,  
10 volunteer, vendor, or independent contractor pay the costs associated  
11 with the record check. Any fingerprinting costs may be borne by the  
12 applicant, although an agency may agree to absorb those costs or  
13 reimburse the applicant for those costs upon hire.

14 (5) The authority for background checks outlined in this section  
15 is in addition to any other authority for such checks provided by  
16 law.

17 **Sec. 3.** RCW 36.01.300 and 2010 c 47 s 1 are each amended to read  
18 as follows:

19 (1) For the purpose of receiving criminal history record  
20 information by county officials, counties may((τ)):

21 (a) By ordinance, require a state and federal background  
22 investigation of license applicants or licensees in occupations  
23 specified by ordinance ((for the purpose of receiving criminal  
24 history record information by county officials));

25 (b) By ordinance, require a federal background investigation of  
26 county employees, applicants for employment, volunteers, vendors, and  
27 independent contractors, who, in the course of their work or  
28 volunteer activity with the county, may have unsupervised access to  
29 children, persons with developmental disabilities, or vulnerable  
30 adults;

31 (c) Require a state background investigation of county employees,  
32 applicants for employment, volunteers, vendors, and independent  
33 contractors, who, in the course of their work or volunteer activity  
34 with the county, may have unsupervised access to children, persons  
35 with developmental disabilities, or vulnerable adults; and

36 (d) Require a criminal background investigation conducted through  
37 a private organization of county employees, applicants for  
38 employment, volunteers, vendors, and independent contractors, who, in  
39 the course of their work or volunteer activity with the county, may

1 have unsupervised access to children, persons with developmental  
2 disabilities, or vulnerable adults.

3 (2) The investigation conducted under subsection (1)(a) through  
4 (c) of this section shall consist of a background check as allowed  
5 through the Washington state criminal records privacy act under RCW  
6 10.97.050, the Washington state patrol criminal identification system  
7 under RCW 43.43.832 through 43.43.834, and the federal bureau of  
8 investigation. ((These))

9 (3) The background checks conducted under subsection (1)(a)  
10 through (c) of this section must be done through the Washington state  
11 patrol identification and criminal history section and may include a  
12 national check from the federal bureau of investigation, which shall  
13 be through the submission of fingerprints. The Washington state  
14 patrol shall serve as the sole source for receipt of fingerprint  
15 submissions and the responses to the submissions from the federal  
16 bureau of investigation, which must be disseminated to the county.

17 (4) For a criminal background check conducted under subsection  
18 (1)(a) through (c) of this section, the county shall transmit  
19 appropriate fees for a state and national criminal history check to  
20 the Washington state patrol, unless alternately arranged. The cost of  
21 investigations conducted under this section shall be borne by the  
22 county, unless the county's budget limits its ability to reasonably  
23 absorb such costs. If the county cannot reasonably absorb the costs  
24 of such investigations, the county may in its discretion require that  
25 the employee, prospective employee, volunteer, vendor, or independent  
26 contractor pay the costs associated with the record check. Any  
27 fingerprinting costs may be borne by the applicant, although an  
28 agency may agree to absorb those costs or reimburse the applicant for  
29 those costs upon hire.

30 (5) The authority for background checks outlined in this section  
31 is in addition to any other authority for such checks provided by  
32 law.

33 **Sec. 4.** RCW 35.61.130 and 2006 c 222 s 1 are each amended to  
34 read as follows:

35 (1) A metropolitan park district has the right of eminent domain,  
36 and may purchase, acquire and condemn lands lying within or without  
37 the boundaries of said park district, for public parks, parkways,  
38 boulevards, aviation landings and playgrounds, and may condemn such  
39 lands to widen, alter and extend streets, avenues, boulevards,

1 parkways, aviation landings and playgrounds, to enlarge and extend  
2 existing parks, and to acquire lands for the establishment of new  
3 parks, boulevards, parkways, aviation landings and playgrounds. The  
4 right of eminent domain shall be exercised and instituted pursuant to  
5 resolution of the board of park commissioners and conducted in the  
6 same manner and under the same procedure as is or may be provided by  
7 law for the exercise of the power of eminent domain by incorporated  
8 cities and towns of the state of Washington in the acquisition of  
9 property rights: PROVIDED, HOWEVER, Funds to pay for condemnation  
10 allowed by this section shall be raised only as specified in this  
11 chapter.

12 (2) The board of park commissioners shall have power to employ  
13 counsel, and to regulate, manage and control the parks, parkways,  
14 boulevards, streets, avenues, aviation landings and playgrounds under  
15 its control, and to provide for park police, for a secretary of the  
16 board of park commissioners and for all necessary employees, to fix  
17 their salaries and duties.

18 (3) The board of park commissioners shall have power to improve,  
19 acquire, extend and maintain, open and lay out, parks, parkways,  
20 boulevards, avenues, aviation landings and playgrounds, within or  
21 without the park district, and to authorize, conduct and manage the  
22 letting of boats, or other amusement apparatus, the operation of bath  
23 houses, the purchase and sale of foodstuffs or other merchandise, the  
24 giving of vocal or instrumental concerts or other entertainments, the  
25 establishment and maintenance of aviation landings and playgrounds,  
26 and generally the management and conduct of such forms of recreation  
27 or business as it shall judge desirable or beneficial for the public,  
28 or for the production of revenue for expenditure for park purposes;  
29 and may pay out moneys for the maintenance and improvement of any  
30 such parks, parkways, boulevards, avenues, aviation landings and  
31 playgrounds as now exist, or may hereafter be acquired, within or  
32 without the limits of said city and for the purchase of lands within  
33 or without the limits of said city, whenever it deems the purchase to  
34 be for the benefit of the public and for the interest of the park  
35 district, and for the maintenance and improvement thereof and for all  
36 expenses incidental to its duties: PROVIDED, That all parks,  
37 boulevards, parkways, aviation landings and playgrounds shall be  
38 subject to the police regulations of the city within whose limits  
39 they lie.

1           (4) (~~For all employees, volunteers, or independent contractors,~~  
2 ~~who may, in the course of their work or volunteer activity with the~~  
3 ~~park district, have unsupervised access to children or vulnerable~~  
4 ~~adults, or be responsible for collecting or disbursing cash or~~  
5 ~~processing credit/debit card transactions,)~~)

6           (a) For the purpose of receiving criminal history record  
7 information by metropolitan park districts, metropolitan park  
8 districts:

9           (i) Shall establish by resolution the requirements for a state  
10 and federal record check of park district employees, applicants for  
11 employment, volunteers, vendors, and independent contractors, who, in  
12 the course of their work or volunteer activity with the park  
13 district, may:

14           (A) Have unsupervised access to children, persons with  
15 developmental disabilities, or vulnerable adults; or

16           (B) Be responsible for collecting or disbursing cash or  
17 processing credit/debit card transactions; and

18           (ii) May require a criminal background check conducted through a  
19 private organization of park district employees, applicants for  
20 employment, volunteers, vendors, and independent contractors, who, in  
21 the course of their work or volunteer activity with the park  
22 district, may have unsupervised access to children, persons with  
23 developmental disabilities, or vulnerable adults. A background check  
24 conducted through a private organization under this subsection is not  
25 required in addition to the requirement under (a)(i) of this  
26 subsection.

27           (b) The investigation under (a)(i) of this subsection shall  
28 consist of a background check as allowed through the Washington state  
29 patrol criminal identification system under RCW 43.43.830 through  
30 43.43.834, the Washington state criminal records act under RCW  
31 10.97.030(~~7~~) and 10.97.050, and (~~through~~) the federal bureau of  
32 investigation(~~, including a fingerprint check using a complete~~  
33 Washington state criminal identification fingerprint card)).

34           (c) The background checks conducted under (a)(i) of this  
35 subsection must be done through the Washington state patrol  
36 identification and criminal history section and may include a  
37 national check from the federal bureau of investigation, which shall  
38 be through the submission of fingerprints. The Washington state  
39 patrol shall serve as the sole source for receipt of fingerprint  
40 submissions and the responses to the submissions from the federal

1 bureau of investigation, which must be disseminated to the  
2 metropolitan park district.

3 (d) The park district shall provide a copy of the record report  
4 to the employee, prospective employee, volunteer, vendor, or  
5 independent contractor.

6 (e) When necessary, as determined by the park district,  
7 prospective employees, volunteers, vendors, or independent  
8 contractors may be employed on a conditional basis pending completion  
9 of the investigation.

10 (f) If the employee, prospective employee, volunteer, vendor, or  
11 independent contractor has had a record check within the previous  
12 twelve months, the park district may waive the requirement upon  
13 receiving a copy of the record.

14 (g) For background checks conducted pursuant to (c) of this  
15 subsection, the metropolitan park district must transmit appropriate  
16 fees, as the Washington state patrol may require under RCW 10.97.100  
17 and 43.43.838, to the Washington state patrol, unless alternately  
18 arranged. The costs of investigations conducted under this subsection  
19 shall be borne by the park district, unless the park district's  
20 budget limits its ability to reasonably absorb such costs. If the  
21 park district cannot reasonably absorb the costs of such  
22 investigations, the park district may in its discretion require that  
23 the employee, prospective employee, volunteer, vendor, or independent  
24 contractor pay the costs associated with the record check. Any  
25 fingerprinting costs may be borne by the applicant, although an  
26 agency may agree to absorb those costs or reimburse the applicant for  
27 those costs upon hire.

28 (h) The authority for background checks outlined in this section  
29 is in addition to any other authority for such checks provided by  
30 law.

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