
HOUSE BILL 1620

State of Washington

65th Legislature

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((~~τ~~)):

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.

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

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

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

36 (a) By ordinance, require a state and federal background
37 investigation of license applicants or licensees in occupations
38 specified by ordinance ((for the purpose of receiving criminal
39 history record information by code city officials));

1 (b) By ordinance, require a federal background investigation of
2 code city employees, applicants for employment, volunteers, vendors,
3 and independent contractors, who, in the course of their work or
4 volunteer activity with the code city, may have unsupervised access
5 to children, persons with developmental disabilities, or vulnerable
6 adults;

7 (c) Require a state criminal background investigation of code
8 city employees, applicants for employment, volunteers, vendors, and
9 independent contractors, who, in the course of their work or
10 volunteer activity with the code city, may have unsupervised access
11 to children, persons with developmental disabilities, or vulnerable
12 adults; and

13 (d) Require a criminal background investigation conducted through
14 a private organization of code city employees, applicants for
15 employment, volunteers, vendors, and independent contractors, who, in
16 the course of their work or volunteer activity with the code city,
17 may have unsupervised access to children, persons with developmental
18 disabilities, or vulnerable adults.

19 (2) The investigation conducted under subsection (1)(a) through
20 (c) of this section shall consist of a background check as allowed
21 through the Washington state criminal records privacy act under RCW
22 10.97.050, the Washington state patrol criminal identification system
23 under RCW 43.43.832 through 43.43.834, and the federal bureau of
24 investigation. ((These))

25 (3) The background checks conducted under subsection (1)(a)
26 through (c) of this section must be done through the Washington state
27 patrol identification and criminal history section and may include a
28 national check from the federal bureau of investigation, which shall
29 be through the submission of fingerprints. The Washington state
30 patrol shall serve as the sole source for receipt of fingerprint
31 submissions and the responses to the submissions from the federal
32 bureau of investigation, which must be disseminated to the code city.

33 (4) For a criminal background check conducted under subsection
34 (1)(a) through (c) of this section, the code city shall transmit
35 appropriate fees for a state and national criminal history check to
36 the Washington state patrol, unless alternately arranged.

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

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

3 (1) For the purpose of receiving criminal history record
4 information by county officials, counties 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 county officials));

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

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

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

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

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

1 (4) For a criminal background check conducted under subsection
2 (1)(a) through (c) of this section, the county shall transmit
3 appropriate fees for a state and national criminal history check to
4 the Washington state patrol, unless alternately arranged.

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

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

10 (1) A metropolitan park district has the right of eminent domain,
11 and may purchase, acquire and condemn lands lying within or without
12 the boundaries of said park district, for public parks, parkways,
13 boulevards, aviation landings and playgrounds, and may condemn such
14 lands to widen, alter and extend streets, avenues, boulevards,
15 parkways, aviation landings and playgrounds, to enlarge and extend
16 existing parks, and to acquire lands for the establishment of new
17 parks, boulevards, parkways, aviation landings and playgrounds. The
18 right of eminent domain shall be exercised and instituted pursuant to
19 resolution of the board of park commissioners and conducted in the
20 same manner and under the same procedure as is or may be provided by
21 law for the exercise of the power of eminent domain by incorporated
22 cities and towns of the state of Washington in the acquisition of
23 property rights: PROVIDED, HOWEVER, Funds to pay for condemnation
24 allowed by this section shall be raised only as specified in this
25 chapter.

26 (2) The board of park commissioners shall have power to employ
27 counsel, and to regulate, manage and control the parks, parkways,
28 boulevards, streets, avenues, aviation landings and playgrounds under
29 its control, and to provide for park police, for a secretary of the
30 board of park commissioners and for all necessary employees, to fix
31 their salaries and duties.

32 (3) The board of park commissioners shall have power to improve,
33 acquire, extend and maintain, open and lay out, parks, parkways,
34 boulevards, avenues, aviation landings and playgrounds, within or
35 without the park district, and to authorize, conduct and manage the
36 letting of boats, or other amusement apparatus, the operation of bath
37 houses, the purchase and sale of foodstuffs or other merchandise, the
38 giving of vocal or instrumental concerts or other entertainments, the
39 establishment and maintenance of aviation landings and playgrounds,

1 and generally the management and conduct of such forms of recreation
2 or business as it shall judge desirable or beneficial for the public,
3 or for the production of revenue for expenditure for park purposes;
4 and may pay out moneys for the maintenance and improvement of any
5 such parks, parkways, boulevards, avenues, aviation landings and
6 playgrounds as now exist, or may hereafter be acquired, within or
7 without the limits of said city and for the purchase of lands within
8 or without the limits of said city, whenever it deems the purchase to
9 be for the benefit of the public and for the interest of the park
10 district, and for the maintenance and improvement thereof and for all
11 expenses incidental to its duties: PROVIDED, That all parks,
12 boulevards, parkways, aviation landings and playgrounds shall be
13 subject to the police regulations of the city within whose limits
14 they lie.

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

20 (a) For the purpose of receiving criminal history record
21 information by metropolitan park districts, metropolitan park
22 districts:

23 (i) Shall establish by resolution the requirements for a state
24 and federal record check of park district employees, applicants for
25 employment, volunteers, vendors, and independent contractors, who, in
26 the course of their work or volunteer activity with the park
27 district, may:

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

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

32 (ii) May require a criminal background check conducted through a
33 private organization of park district employees, applicants for
34 employment, volunteers, vendors, and independent contractors, who, in
35 the course of their work or volunteer activity with the park
36 district, may have unsupervised access to children, persons with
37 developmental disabilities, or vulnerable adults. A background check
38 conducted through a private organization under this subsection is not
39 required in addition to the requirement under (a)(i) of this
40 subsection.

1 (b) The investigation under (a)(i) of this subsection shall
2 consist of a background check as allowed through the Washington state
3 patrol criminal identification system under RCW 43.43.830 through
4 43.43.834, the Washington state criminal records act under RCW
5 10.97.030((7)) and 10.97.050, and ((through)) the federal bureau of
6 investigation((, including a fingerprint check using a complete
7 Washington state criminal identification fingerprint card)).

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

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

20 (e) When necessary, as determined by the park district,
21 prospective employees, volunteers, vendors, or independent
22 contractors may be employed on a conditional basis pending completion
23 of the investigation.

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

28 (g) For background checks conducted pursuant to (c) of this
29 subsection, the metropolitan park district must transmit appropriate
30 fees, as the Washington state patrol may require under RCW 10.97.100
31 and 43.43.838, to the Washington state patrol, unless alternately
32 arranged. The park district may in its discretion require that the
33 employee, prospective employee, volunteer, vendor, or independent
34 contractor pay the costs associated with the record check.

35 (h) The authority for background checks outlined in this section
36 is in addition to any other authority for such checks provided by
37 law.

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