
HOUSE BILL 2415

State of Washington

52nd Legislature

1992 Regular Session

By Representatives Belcher, Winsley, Fraser, Leonard, Beck, H. Myers, Orr, Moyer and Sheldon

Read first time 01/16/92. Referred to Committee on Human Services.

1 AN ACT Relating to criminal history background checks on persons
2 providing services to physically disabled and mentally impaired
3 persons; and amending RCW 43.43.832.

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

5 **Sec. 1.** RCW 43.43.832 and 1990 c 3 s 1102 are each amended to read
6 as follows:

7 (1) The legislature finds that businesses and organizations
8 providing services to children, developmentally disabled persons,
9 physically disabled persons, mentally impaired persons, and vulnerable
10 adults need adequate information to determine which employees or
11 licensees to hire or engage. Therefore, the Washington state patrol
12 criminal identification system may disclose, upon the request of a
13 business or organization as defined in RCW 43.43.830, an applicant's
14 record for:

1 (a) Convictions of offenses against children or other persons((τ))i

2 (b) Convictions for crimes relating to financial exploitation, but
3 only if the victim was a vulnerable adult((τ))i

4 (c) Adjudications of child abuse in a civil action((τ))i

5 (d) The issuance of a protection order against the respondent under
6 chapter 74.34 RCW((τ))i and

7 (e) Disciplinary board final decisions and any subsequent criminal
8 charges associated with the conduct that is the subject of the
9 disciplinary board final decision.

10 When necessary, applicants may be employed on a conditional basis
11 pending completion of such a background investigation.

12 (2) The legislature also finds that the state board of education
13 may request of the Washington state patrol criminal identification
14 system information regarding a certificate applicant's record for
15 convictions under subsection (1) of this section.

16 (3) The legislature also finds that law enforcement agencies, the
17 office of the attorney general, prosecuting authorities, and the
18 department of social and health services may request this same
19 information to aid in the investigation and prosecution of child,
20 developmentally disabled person, physically disabled person, mentally
21 impaired person, and vulnerable adult abuse cases and to protect
22 children and adults from further incidents of abuse.

23 (4) The legislature further finds that the department of social and
24 health services, when considering persons for state positions directly
25 responsible for the care, supervision, or treatment of children,
26 developmentally disabled persons, physically disabled persons, mentally
27 impaired persons, or vulnerable adults or when licensing or authorizing
28 such persons or agencies pursuant to its authority under chapter 74.15,
29 18.51, 18.20, or 72.23 RCW, or any later-enacted statute which purpose
30 is to license or regulate a facility which handles vulnerable adults,

1 must consider the information listed in subsection (1) of this section.
2 However, when necessary, persons may be employed on a conditional basis
3 pending completion of the background investigation. The state
4 personnel board shall adopt rules to accomplish the purposes of this
5 subsection as it applies to state employees.