

---

SENATE BILL 5931

---

State of Washington

52nd Legislature

1991 Regular Session

By Senator L. Smith.

Read first time March 6, 1991. Referred to Committee on Children & Family Services.

1 AN ACT Relating to background checks; and reenacting and amending  
2 RCW 43.43.830.

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

4 **Sec. 1.** RCW 43.43.830 and 1990 c 3 s 1101 and 1990 c 146 s 8 are  
5 each reenacted and amended to read as follows:

6 Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout RCW 43.43.830 through 43.43.840.

8 (1) "Applicant" means:

9 (a) Any prospective employee who will or may have unsupervised  
10 access to children under sixteen years of age or developmentally  
11 disabled persons or vulnerable adults during the course of his or her  
12 employment or involvement with the business or organization;

13 (b) Any prospective volunteer who will or may have (~~regularly~~  
14 ~~scheduled~~) unsupervised access to children under sixteen years of age,  
15 developmentally disabled persons, or vulnerable adults during the

1 course of his or her employment or involvement with the business or  
2 organization under circumstances where such access will or may involve  
3 groups of (i) five or fewer children under twelve years of age, (ii)  
4 three or fewer children between twelve and sixteen years of age, (iii)  
5 developmentally disabled persons, or (iv) vulnerable adults; or

6 (c) Any prospective adoptive parent, as defined in RCW 26.33.020.

7 (2) "Business or organization" means a business or organization  
8 licensed in this state, any agency of the state, or other governmental  
9 entity, that educates, trains, treats, supervises, or provides  
10 recreation to developmentally disabled persons, vulnerable adults, or  
11 children under sixteen years of age, including school districts and  
12 educational service districts.

13 (3) "Civil adjudication" means a specific court finding of sexual  
14 abuse or exploitation or physical abuse in a dependency action under  
15 RCW 13.34.040 or in a domestic relations action under Title 26 RCW. In  
16 the case of vulnerable adults, civil adjudication means a specific  
17 court finding of abuse or financial exploitation in a protection  
18 proceeding under chapter 74.34 RCW. It does not include administrative  
19 proceedings. The term "civil adjudication" is further limited to court  
20 findings that identify as the perpetrator of the abuse a named  
21 individual, over the age of eighteen years, who was a party to the  
22 dependency or dissolution proceeding or was a respondent in a  
23 protection proceeding in which the finding was made and who contested  
24 the allegation of abuse or exploitation.

25 (4) "Conviction record" means "conviction record" information as  
26 defined in RCW 10.97.030(3) relating to a crime against children or  
27 other persons committed by either an adult or a juvenile. It does not  
28 include a conviction for an offense that has been the subject of an  
29 expungement, pardon, annulment, certificate of rehabilitation, or other  
30 equivalent procedure based on a finding of the rehabilitation of the

1 person convicted, or a conviction that has been the subject of a  
2 pardon, annulment, or other equivalent procedure based on a finding of  
3 innocence. It does include convictions for offenses for which the  
4 defendant received a deferred or suspended sentence, unless the record  
5 has been expunged according to law.

6 (5) "Crime against children or other persons" means a conviction of  
7 any of the following offenses: Aggravated murder; first or second  
8 degree murder; first or second degree kidnaping; first, second, or  
9 third degree assault; first, second, or third degree rape; first,  
10 second, or third degree rape of a child; first or second degree  
11 robbery; first degree arson; first degree burglary; first or second  
12 degree manslaughter; first or second degree extortion; indecent  
13 liberties; incest; vehicular homicide; first degree promoting  
14 prostitution; communication with a minor; unlawful imprisonment; simple  
15 assault; sexual exploitation of minors; first or second degree criminal  
16 mistreatment; child abuse or neglect as defined in RCW 26.44.020; first  
17 or second degree custodial interference; malicious harassment; first,  
18 second, or third degree child molestation; first or second degree  
19 sexual misconduct with a minor; first or second degree rape of a child;  
20 patronizing a juvenile prostitute; child abandonment; promoting  
21 pornography; selling or distributing erotic material to a minor;  
22 custodial assault; violation of child abuse restraining order; child  
23 buying or selling; prostitution; felony indecent exposure; or any of  
24 these crimes as they may be renamed in the future.

25 (6) "Crimes relating to financial exploitation" means a conviction  
26 for first, second, or third degree extortion; first, second, or third  
27 degree theft; first or second degree robbery; forgery; or any of these  
28 crimes as they may be renamed in the future.

1 (7) "Disciplinary board final decision" means any final decision  
2 issued by the disciplinary board or the director of the department of  
3 licensing for the following businesses or professions:

4 (a) Chiropractic;

5 (b) Dentistry;

6 (c) Dental hygiene;

7 (d) Massage;

8 (e) Midwifery;

9 (f) Naturopathy;

10 (g) Osteopathy;

11 (h) Physical therapy;

12 (i) Physicians;

13 (j) Practical nursing;

14 (k) Registered nursing;

15 (l) Psychology; and

16 (m) Real estate brokers and salesmen.

17 (8) "Unsupervised" means not in the presence of for any length of  
18 time:

19 (a) Another employee or volunteer from the same business or  
20 organization as the applicant who has undergone a background check  
21 under RCW 43.43.834; or

22 (b) Any relative or guardian of any of the children or  
23 developmentally disabled persons to which the applicant has access  
24 during the course of his or her employment or involvement with the  
25 business or organization.

26 (9) "Vulnerable adult" means a person sixty years of age or older  
27 who has the functional, mental, or physical inability to care for  
28 himself or herself or a patient in a state hospital as defined in  
29 chapter 72.23 RCW.

1           (10) "Financial exploitation" means the illegal or improper use of  
2 a vulnerable adult or that adult's resources for another person's  
3 profit or advantage.

4           (11) "Agency" means any person, firm, partnership, association,  
5 corporation, or facility which receives, provides services to, houses  
6 or otherwise cares for vulnerable adults.