

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 2556

Chapter 41, Laws of 2004

(partial veto)

58th Legislature
2004 Regular Session

CRIMINAL BACKGROUND CHECKS--TASK FORCE

EFFECTIVE DATE: 6/10/04

Passed by the House March 8, 2004
Yeas 95 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 3, 2004
Yeas 45 Nays 0

BRAD OWEN

President of the Senate

Approved March 22, 2004, with the
exception of section 1, which is vetoed.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2556** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

March 22, 2004 - 4:27 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2556

AS AMENDED BY THE SENATE

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Kagi, Carrell, Upthegrove, Miloscia, Lovick and Moeller)

READ FIRST TIME 02/05/04.

1 AN ACT Relating to studying criminal background check processes;
2 creating new sections; and providing an expiration date.

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

4 ****NEW SECTION. Sec. 1. The legislature finds that criminal history***
5 ***record information background checks for employment purposes are***
6 ***rapidly increasing in Washington state. While the demand for criminal***
7 ***history record information background checks is growing, the existing***
8 ***criminal history record information background check data transmission***
9 ***infrastructure and processes are not adequate to keep pace with the***
10 ***growing demand. Furthermore, employers are concerned with the current***
11 ***system's ability to quickly secure results. Without adequate data***
12 ***transmission infrastructure and processes to encourage efficient***
13 ***criminal history record information background checks and to receive***
14 ***results quickly, a public safety risk is created. This is especially***
15 ***true when new or prospective employees will be working with children.***
16 ***The legislature has learned that some states have recently***
17 ***developed comprehensive criminal history record information background***
18 ***check programs. These programs focus on making criminal history record***

1 **information background checks easily accessible to employers and**
2 **prospective employees and have eliminated long response times.**

**Sec. 1 was vetoed. See message at end of chapter.*

3 NEW SECTION. **Sec. 2.** (1) A joint task force on criminal
4 background check processes is established. The joint task force shall
5 consist of the following members:

6 (a) One member from each of the two largest caucuses of the senate,
7 appointed by the president of the senate;

8 (b) One member from each of the two largest caucuses of the house
9 of representatives, appointed by the speaker of the house of
10 representatives;

11 (c) The chief of the Washington state patrol, or the chief's
12 designee;

13 (d) The secretary of the department of social and health services,
14 or the secretary's designee;

15 (e) The state superintendent of public instruction, or the
16 superintendent's designee;

17 (f) An elected sheriff or police chief, selected by the Washington
18 association of sheriffs and police chiefs; and

19 (g) The following seven members, jointly appointed by the speaker
20 of the house of representatives and the president of the senate:

21 (i) A representative from a nonprofit service organization that
22 serves primarily children under sixteen years of age;

23 (ii) A health care provider as defined in RCW 7.70.020;

24 (iii) A representative from a business or organization that
25 primarily serves persons with a developmental disability or vulnerable
26 adults;

27 (iv) A representative from a local youth athletic association;

28 (v) A representative from the insurance industry; and

29 (vi) Two representatives from a local parks and recreation program;
30 one member shall be selected by the association of Washington cities
31 and one member shall be selected by the Washington association of
32 counties.

33 (2) The task force shall choose two cochairs from among its
34 membership.

35 (3) The task force shall review and make recommendations to the
36 legislature and the governor regarding criminal background check policy

1 in Washington state. In preparing the recommendations, the committee
2 shall, at a minimum, review the following issues:

3 (a) What state and federal statutes require regarding criminal
4 background checks, and determine whether any changes should be made;

5 (b) What criminal offenses are currently reportable through the
6 criminal background check program, and determine whether any changes
7 should be made;

8 (c) What information is available through the Washington state
9 patrol and the federal bureau of investigation criminal background
10 check systems, and determine whether any changes should be made;

11 (d) What are the best practices among organizations for obtaining
12 criminal background checks on their employees and volunteers;

13 (e) What is the feasibility and costs for businesses and
14 organizations to do periodic background checks;

15 (f) What is the feasibility of requiring all businesses and
16 organizations, including nonprofit entities, to conduct criminal
17 background checks for all employees, contractors, agents, and
18 volunteers who have regularly scheduled supervised or unsupervised
19 access to children, persons with a developmental disability, or
20 vulnerable adults; and

21 (g) A review of the benefits and obstacles of implementing a
22 criminal history record information background check program created by
23 the national child protection act of 1993. The national child
24 protection act of 1993 increases the availability of criminal history
25 record information background checks for employers who have employees
26 or volunteers who work with children, elderly persons, or persons with
27 disabilities.

28 (4) The task force, where feasible, may consult with individuals
29 from the public and private sector.

30 (5) The task force shall use legislative facilities and staff from
31 senate committee services and the house office of program research.

32 (6) The task force shall report its findings and recommendations to
33 the legislature by December 31, 2004.

34 NEW SECTION. **Sec. 3.** (1) In consultation with the Washington
35 state patrol, the Washington association of sheriffs and police chiefs
36 shall conduct a study on criminal history record information background
37 check technology and systems. The study shall focus on how, through

1 the use of modern technology, Washington state can reduce delays in the
2 criminal history record information background check processing time
3 and how Washington state can make criminal history record information
4 background checks more accessible and efficient.

5 (2) The study shall include, but is not limited to:

6 (a) A review and analysis of the criminal history record
7 information background check technology systems in states that have
8 recently implemented or are soon to implement comprehensive criminal
9 history record information background check programs;

10 (b) Recommendations on how a comprehensive criminal history record
11 information background check program should be designed in Washington
12 state, and how much a comprehensive program would cost to implement in
13 Washington state;

14 (c) A review of how a comprehensive criminal history record
15 information background check program could be paid for in Washington
16 state, which includes a determination on whether the program could be
17 funded solely by user fees.

18 (3) The findings and recommendations from the Washington
19 association of sheriffs and police chiefs shall be presented to the
20 joint task force on criminal background check processes no later than
21 November 30, 2004.

22 (4) The requirement to perform the study under this section and to
23 make findings and recommendations is subject to availability of funds
24 appropriated for this specific purpose.

25 NEW SECTION. **Sec. 4.** This act expires January 31, 2005.

Passed by the House March 8, 2004.

Passed by the Senate March 3, 2004.

Approved by the Governor March 22, 2004, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State March 22, 2004.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 1,
Engrossed Substitute House Bill No. 2556 entitled:

"AN ACT Relating to studying criminal background check processes;"

This bill creates a joint task force to study criminal background
check policies and procedures and make recommendations to improve
those systems and increase public safety.

Section 1 was an introductory section that was not necessary to
support the creation or work of the joint task force. It would have
given an inaccurate view of the current criminal history record
information background check data transmission infrastructure and
process. Taken out of context, this language could have been
misunderstood and used to indicate an admission of liability when

none exists. To avoid the inadvertent misuse of this language, I have vetoed section 1.

For these reasons, I have vetoed section 1 of Engrossed Substitute House Bill No. 2556.

With the exception of section 1, Engrossed Substitute House Bill No. 2556 is approved."