EHB 1620 - S AMD **269**
By Senator Short

ADOPTED 04/19/2017

1   Strike everything after the enacting clause and insert the
2 following:

3   "**Sec. 1.** RCW 35.21.920 and 2010 c 47 s 2 are each amended to
4 read as follows:
5   (1) For the purpose of receiving criminal history record
6 information by city or town officials, cities or towns may((~~,~~))<u>:</u>
7   (a) By ordinance, require a state and federal background
8 investigation of license applicants or licensees in occupations
9 specified by ordinance ((~~for the purpose of receiving criminal~~
10 ~~history record information by city or town officials~~))<u>;</u>
11   (b) By ordinance, require a federal background investigation of
12 city or town employees, applicants for employment, volunteers,
13 vendors, and independent contractors, who, in the course of their
14 work or volunteer activity with the city or town, may have
15 unsupervised access to children, persons with developmental
16 disabilities, or vulnerable adults;
17   (c) Require a state criminal background investigation of city or
18 town employees, applicants for employment, volunteers, vendors, and
19 independent contractors, who, in the course of their work or
20 volunteer activity with the city or town, may have unsupervised
21 access to children, persons with developmental disabilities, or
22 vulnerable adults; and
23   (d) Require a criminal background investigation conducted through
24 a private organization of city or town employees, applicants for
25 employment, volunteers, vendors, and independent contractors, who, in
26 the course of their work or volunteer activity with the city or town,
27 may have unsupervised access to children, persons with developmental
28 disabilities, or vulnerable adults.
29   (2) The investigation conducted under subsection (1)(a) through
30 (c) of this section shall consist of a background check as allowed
31 through the Washington state criminal records privacy act under RCW
32 10.97.050, the Washington state patrol criminal identification system

1 under RCW 43.43.832 through 43.43.834, and the federal bureau of
2 investigation. ((These))
3   (3) The background checks conducted under subsection (1)(a)
4 through (c) of this section must be done through the Washington state
5 patrol identification and criminal history section and may include a
6 national check from the federal bureau of investigation, which shall
7 be through the submission of fingerprints. The Washington state
8 patrol shall serve as the sole source for receipt of fingerprint
9 submissions and the responses to the submissions from the federal
10 bureau of investigation, which must be disseminated to the city or
11 town.
12   (4) For a criminal background check conducted under subsection
13 (1)(a) through (c) of this section, the city or town shall transmit
14 appropriate fees for a state and national criminal history check to
15 the Washington state patrol, unless alternately arranged. The cost of
16 investigations conducted under this section shall be borne by the
17 city or town.
18   (5) The authority for background checks outlined in this section
19 is in addition to any other authority for such checks provided by
20 law.

21   **Sec. 2.** RCW 35A.21.370 and 2010 c 47 s 3 are each amended to
22 read as follows:
23   (1) For the purpose of receiving criminal history record
24 information by code city officials, code cities may((,)):
25   (a) By ordinance, require a state and federal background
26 investigation of license applicants or licensees in occupations
27 specified by ordinance ((for the purpose of receiving criminal
28 history record information by code city officials));
29   (b) By ordinance, require a federal background investigation of
30 code city employees, applicants for employment, volunteers, vendors,
31 and independent contractors, who, in the course of their work or
32 volunteer activity with the code city, may have unsupervised access
33 to children, persons with developmental disabilities, or vulnerable
34 adults;
35   (c) Require a state criminal background investigation of code
36 city employees, applicants for employment, volunteers, vendors, and
37 independent contractors, who, in the course of their work or
38 volunteer activity with the code city, may have unsupervised access

1 to children, persons with developmental disabilities, or vulnerable
2 adults; and
3   (d) Require a criminal background investigation conducted through
4 a private organization of code city employees, applicants for
5 employment, volunteers, vendors, and independent contractors, who, in
6 the course of their work or volunteer activity with the code city,
7 may have unsupervised access to children, persons with developmental
8 disabilities, or vulnerable adults.
9   (2) The investigation conducted under subsection (1)(a) through
10 (c) of this section shall consist of a background check as allowed
11 through the Washington state criminal records privacy act under RCW
12 10.97.050, the Washington state patrol criminal identification system
13 under RCW 43.43.832 through 43.43.834, and the federal bureau of
14 investigation. ((These))
15   (3) The background checks conducted under subsection (1)(a)
16 through (c) of this section must be done through the Washington state
17 patrol identification and criminal history section and may include a
18 national check from the federal bureau of investigation, which shall
19 be through the submission of fingerprints. The Washington state
20 patrol shall serve as the sole source for receipt of fingerprint
21 submissions and the responses to the submissions from the federal
22 bureau of investigation, which must be disseminated to the code city.
23   (4) For a criminal background check conducted under subsection
24 (1)(a) through (c) of this section, the code city shall transmit
25 appropriate fees for a state and national criminal history check to
26 the Washington state patrol, unless alternately arranged. The cost of
27 investigations conducted under this section shall be borne by the
28 code city.
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. 3.** RCW 36.01.300 and 2010 c 47 s 1 are each amended to read
33 as follows:
34   (1) For the purpose of receiving criminal history record
35 information by county officials, counties may((,)):
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 county officials));

1   (b) By ordinance, require a federal background investigation of
2   county employees, applicants for employment, volunteers, vendors, and
3   independent contractors, who, in the course of their work or
4   volunteer activity with the county, may have unsupervised access to
5   children, persons with developmental disabilities, or vulnerable
6   adults;
7   (c) Require a state background investigation of county employees,
8   applicants for employment, volunteers, vendors, and independent
9   contractors, who, in the course of their work or volunteer activity
10   with the county, may have unsupervised access to children, persons
11   with developmental disabilities, or vulnerable adults; and
12   (d) Require a criminal background investigation conducted through
13   a private organization of county employees, applicants for
14   employment, volunteers, vendors, and independent contractors, who, in
15   the course of their work or volunteer activity with the county, may
16   have unsupervised access to children, persons with developmental
17   disabilities, or vulnerable adults.
18   (2) The investigation conducted under subsection (1)(a) through
19   (c) of this section shall consist of a background check as allowed
20   through the Washington state criminal records privacy act under RCW
21   10.97.050, the Washington state patrol criminal identification system
22   under RCW 43.43.832 through 43.43.834, and the federal bureau of
23   investigation. ((These))
24   (3) The background checks conducted under subsection (1)(a)
25   through (c) of this section must be done through the Washington state
26   patrol identification and criminal history section and may include a
27   national check from the federal bureau of investigation, which shall
28   be through the submission of fingerprints. The Washington state
29   patrol shall serve as the sole source for receipt of fingerprint
30   submissions and the responses to the submissions from the federal
31   bureau of investigation, which must be disseminated to the county.
32   (4) For a criminal background check conducted under subsection
33   (1)(a) through (c) of this section, the county shall transmit
34   appropriate fees for a state and national criminal history check to
35   the Washington state patrol, unless alternately arranged. The cost of
36   investigations conducted under this section shall be borne by the
37   county.
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. 4.** RCW 35.61.130 and 2006 c 222 s 1 are each amended to
2 read as follows:
3   (1) A metropolitan park district has the right of eminent domain,
4 and may purchase, acquire and condemn lands lying within or without
5 the boundaries of said park district, for public parks, parkways,
6 boulevards, aviation landings and playgrounds, and may condemn such
7 lands to widen, alter and extend streets, avenues, boulevards,
8 parkways, aviation landings and playgrounds, to enlarge and extend
9 existing parks, and to acquire lands for the establishment of new
10 parks, boulevards, parkways, aviation landings and playgrounds. The
11 right of eminent domain shall be exercised and instituted pursuant to
12 resolution of the board of park commissioners and conducted in the
13 same manner and under the same procedure as is or may be provided by
14 law for the exercise of the power of eminent domain by incorporated
15 cities and towns of the state of Washington in the acquisition of
16 property rights: PROVIDED, HOWEVER, Funds to pay for condemnation
17 allowed by this section shall be raised only as specified in this
18 chapter.
19   (2) The board of park commissioners shall have power to employ
20 counsel, and to regulate, manage and control the parks, parkways,
21 boulevards, streets, avenues, aviation landings and playgrounds under
22 its control, and to provide for park police, for a secretary of the
23 board of park commissioners and for all necessary employees, to fix
24 their salaries and duties.
25   (3) The board of park commissioners shall have power to improve,
26 acquire, extend and maintain, open and lay out, parks, parkways,
27 boulevards, avenues, aviation landings and playgrounds, within or
28 without the park district, and to authorize, conduct and manage the
29 letting of boats, or other amusement apparatus, the operation of bath
30 houses, the purchase and sale of foodstuffs or other merchandise, the
31 giving of vocal or instrumental concerts or other entertainments, the
32 establishment and maintenance of aviation landings and playgrounds,
33 and generally the management and conduct of such forms of recreation
34 or business as it shall judge desirable or beneficial for the public,
35 or for the production of revenue for expenditure for park purposes;
36 and may pay out moneys for the maintenance and improvement of any
37 such parks, parkways, boulevards, avenues, aviation landings and
38 playgrounds as now exist, or may hereafter be acquired, within or
39 without the limits of said city and for the purchase of lands within
40 or without the limits of said city, whenever it deems the purchase to

1 be for the benefit of the public and for the interest of the park
2 district, and for the maintenance and improvement thereof and for all
3 expenses incidental to its duties: PROVIDED, That all parks,
4 boulevards, parkways, aviation landings and playgrounds shall be
5 subject to the police regulations of the city within whose limits
6 they lie.

7   (4) ((For all employees, volunteers, or independent contractors,
8 who may, in the course of their work or volunteer activity with the
9 park district, have unsupervised access to children or vulnerable
10 adults, or be responsible for collecting or disbursing cash or
11 processing credit/debit card transactions,))
12   (a) For the purpose of receiving criminal history record
13 information by metropolitan park districts, metropolitan park
14 districts:
15   (i) Shall establish by resolution the requirements for a state
16 and federal record check of park district employees, applicants for
17 employment, volunteers, vendors, and independent contractors, who, in
18 the course of their work or volunteer activity with the park
19 district, may:
20   (A) Have unsupervised access to children, persons with
21 developmental disabilities, or vulnerable adults; or
22   (B) Be responsible for collecting or disbursing cash or
23 processing credit/debit card transactions; and
24   (ii) May require a criminal background check conducted through a
25 private organization of park district employees, applicants for
26 employment, volunteers, vendors, and independent contractors, who, in
27 the course of their work or volunteer activity with the park
28 district, may have unsupervised access to children, persons with
29 developmental disabilities, or vulnerable adults. A background check
30 conducted through a private organization under this subsection is not
31 required in addition to the requirement under (a)(i) of this
32 subsection.
33   (b) The investigation under (a)(i) of this subsection shall
34 consist of a background check as allowed through the Washington state
35 patrol criminal identification system under RCW 43.43.830 through
36 43.43.834, the Washington state criminal records act under RCW
37 10.97.030((,)) and 10.97.050, and ((through)) the federal bureau of
38 investigation((, including a fingerprint check using a complete
39 Washington state criminal identification fingerprint card)).

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

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

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

(f) If the employee, prospective employee, volunteer, vendor, or independent contractor has had a record check within the previous twelve months, the park district may waive the requirement upon receiving a copy of the record. ((The park district may in its discretion require that the prospective employee, volunteer, or independent contractor pay the costs associated with the record check.))

(g) For background checks conducted pursuant to (c) of this subsection, the metropolitan park district must transmit appropriate fees, as the Washington state patrol may require under RCW 10.97.100 and 43.43.838, to the Washington state patrol, unless alternately arranged.

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

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On page 1, line 2 of the title, after "checks;" strike the remainder of the title and insert "and amending RCW 35.21.920, 35A.21.370, 36.01.300, and 35.61.130."

EFFECT: Requires an ordinance before code cities and counties may require state and federal background checks on certain individuals.

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