
Local Government Committee

HB 1620

Brief Description: Concerning the authority of local governments to require criminal history background checks.

Sponsors: Representatives Lovick, McDonald, Johnson, Hayes, Stonier, Griffey, McBride, Harris, Springer, Stambaugh, Gregerson, Appleton, Muri and Haler.

Brief Summary of Bill

- Authorizes cities and towns, code cities, and counties to require, by ordinance, a federal background check, and without an ordinance, a state background check, of specified individuals.
- Authorizes cities and towns, code cities, counties, and metropolitan park districts to require a background check conducted through a private organization of specified individuals, without the passage of an ordinance.
- Expands the categories of individuals subject to a background check as required by the metropolitan park district.

Hearing Date: 1/31/17

Staff: Desiree Omli (786-7383).

Background:

Washington State Patrol—Background Checks.

The Washington state patrol (WSP) Identification and Criminal History Section is the state's central repository for fingerprint-based criminal history record information. The WSP may disseminate criminal conviction records without restriction, but the dissemination of nonconviction records are subject to restrictions. A conviction record is criminal history record information relating to an incident that has led to a conviction or other disposition adverse to the subject. Nonconviction data is criminal history record information relating to an incident that has not led to a conviction or other disposition adverse to the subject, and for which proceedings are no longer actively pending.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Cities and Towns, Code Cities, Counties.

Cities and towns, code cities, and counties may require, by ordinance, a state and federal background investigation of license applicants or licensees in certain occupations. The WSP Identification and Criminal History Section must conduct the background checks, which may include a national check from the Federal Bureau of Investigation (FBI) through the submission of fingerprints. The requesting entity must pay fees as established by the WSP.

Metropolitan Park Districts.

Metropolitan park districts are required to establish, by resolution, the requirements for a record check through the WSP and the FBI, of employees, volunteers, or independent contractors who may, in the course of their work with the park district:

- have unsupervised access to children or vulnerable adults; or
- be responsible for collecting or disbursing cash or processing credit/debit card transactions.

A background check conducted through the FBI may include a fingerprint check. The park district is required to provide a copy of the record report to the individual who is the subject of the background check and may require that person to pay costs associated with the background check. The park district may employ the individual on a conditional basis, pending the completion of the background check. In addition, the park district may waive the background check requirement if the individual had a background check completed within the past 12 months.

Summary of Bill:

Cities and Towns, Code Cities, Counties.

Cities and towns, code cities, and counties may require, by ordinance, a federal background investigation of employees, applicants for employment, volunteers, vendors, and independent contractors, who in the course of their work or volunteer activity, may have unsupervised access to:

- children;
- persons with developmental disabilities; and
- vulnerable adults.

For these same individuals, cities and towns, code cities, and counties may require, without an ordinance, a state background investigation, and a criminal background investigation conducted through a private organization. The WSP must conduct the state and federal background checks, which may include a national check from the FBI through the submission of fingerprints. In addition, the requesting entity must pay fees set by the WSP for these background checks.

Metropolitan Park Districts.

Metropolitan park districts are required to establish, by resolution, the requirements for state and federal record checks of park district employees, applicants for employment, volunteers, vendors, and independent contractors, who in the course of their work, may:

- have access to children, persons with developmental disabilities, or vulnerable adults; or
- be responsible for collecting or disbursing cash or processing credit/debit card transactions.

For the same individuals, the park district may require a criminal background check conducted through a private organization. In addition, various parts of the statute pertaining to background checks required by the park district is expanded to also apply to employees, prospective employees, and vendors. The WSP must conduct the state and federal background checks, which may include a national check from the FBI through the submission of fingerprints. In addition, for federal and state background checks, the park district must pay fees set by the WSP.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.