H-3968.1 _____

HOUSE BILL 2621

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State of Washington   **52nd Legislature**   **1992 Regular Session**

By Representatives Fraser, May, Leonard, Winsley, Paris, Mitchell, Bowman and Brekke

Read first time 01/22/92. Referred to Committee on Human Services.

1   AN ACT Relating to federal bureau of investigation background
2 checks on persons providing services to children; amending RCW
3 43.43.832; and creating a new section.

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, and
9 vulnerable adults need adequate information to determine which
10 employees or licensees to hire or engage. Therefore, the Washington
11 state patrol criminal identification system may disclose, upon the
12 request of a business or organization as defined in RCW 43.43.830, an
13 applicant's record for:
14   (a) Convictions of offenses against children or other persons((,));

1   (b) Convictions for crimes relating to financial exploitation, but

2 only if the victim was a vulnerable adult((,))；

3   (c) Adjudications of child abuse in a civil action((,))；

4   (d) The issuance of a protection order against the respondent under

5 chapter 74.34 RCW((,))； and

6   (e) Disciplinary board final decisions and any subsequent criminal

7 charges associated with the conduct that is the subject of the

8 disciplinary board final decision.

9   When necessary, applicants may be employed on a conditional basis

10 pending completion of such a background investigation.

11   (2) An applicant who has not been a resident of the state of

12 Washington for at least five years and who will or may have

13 unsupervised access to children under the age of sixteen shall be

14 fingerprinted for the purpose of obtaining a national criminal history

15 background check. The Washington state patrol shall forward one set of

16 fingerprints to the federal bureau of investigation to obtain a copy of

17 the applicant's national criminal history. The Washington state patrol

18 shall disclose the information obtained from the federal bureau of

19 investigation to the business, organization, or department of social

20 and health services. If necessary, applicants may be employed on a

21 conditional basis pending completion of the background check.

22   (3) The legislature also finds that the state board of education

23 may request of the Washington state patrol criminal identification

24 system information regarding a certificate applicant's record for

25 convictions under subsection (1) of this section.

26   (((3))) (4) The legislature also finds that law enforcement

27 agencies, the office of the attorney general, prosecuting authorities,

28 and the department of social and health services may request this same

29 information to aid in the investigation and prosecution of child,

1 developmentally disabled person, and vulnerable adult abuse cases and

2 to protect children and adults from further incidents of abuse.

3 (((4))) (5) The legislature further finds that the department of

4 social and health services, when considering persons for state

5 positions directly responsible for the care, supervision, or treatment

6 of children, developmentally disabled persons, or vulnerable adults or

7 when licensing or authorizing such persons or agencies pursuant to its

8 authority under chapter 74.15, 18.51, 18.20, or 72.23 RCW, or any

9 later-enacted statute which purpose is to license or regulate a

10 facility which handles vulnerable adults, must consider the information

11 listed in subsections (1) and (2) of this section. However, when

12 necessary, persons may be employed on a conditional basis pending

13 completion of the background investigation. The state personnel board

14 shall adopt rules to accomplish the purposes of this subsection as it

15 applies to state employees.

16 NEW SECTION. **Sec. 2.**   This act applies prospectively only and

17 not retroactively.