
SENATE BILL 6102

State of Washington

52nd Legislature

1992 Regular Session

By Senators Nelson and Rasmussen

Read first time 01/15/92. Referred to Committee on Law & Justice.

1 AN ACT Relating to merging double amendments governing background
2 checks for workers having access to children or other vulnerable
3 persons; and reenacting and amending RCW 43.43.830.

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

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

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

9 (1) "Applicant" means:

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

1 (b) Any prospective volunteer who will have regularly scheduled
2 unsupervised access to children under sixteen years of age,
3 developmentally disabled persons, or vulnerable adults during the
4 course of his or her employment or involvement with the business or
5 organization under circumstances where such access will or may involve
6 groups of (i) five or fewer children under twelve years of age, (ii)
7 three or fewer children between twelve and sixteen years of age, (iii)
8 developmentally disabled persons, or (iv) vulnerable adults; or

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

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

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

28 (4) "Conviction record" means "conviction record" information as
29 defined in RCW 10.97.030(3) relating to a crime against children or
30 other persons committed by either an adult or a juvenile. It does not

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

9 (5) "Crime against children or other persons" means a conviction of
10 any of the following offenses:

11 (a) Aggravated murder;

12 (b) First or second degree murder;

13 (c) First or second degree kidnapping;

14 (d) First, second, or third degree assault;

15 (e) First, second, or third degree rape;

16 (f) First, second, or third degree rape of a child;

17 (g) First or second degree robbery;

18 (h) First degree arson;

19 (i) First degree burglary;

20 (j) First or second degree manslaughter;

21 (k) First or second degree extortion;

22 (l) Indecent liberties;

23 (m) Incest;

24 (n) Vehicular homicide;

25 (o) First degree promoting prostitution;

26 (p) Communication with a minor;

27 (q) Unlawful imprisonment;

28 (r) Simple assault;

29 (s) Sexual exploitation of minors;

30 (t) First or second degree criminal mistreatment;

1 (u) Child abuse or neglect as defined in RCW 26.44.020;

2 (v) First or second degree custodial interference;

3 (w) Malicious harassment;

4 (x) First, second, or third degree child molestation;

5 (y) First or second degree sexual misconduct with a minor; (~~first~~

6 ~~or second degree rape of a child;~~)

7 (z) Patronizing a juvenile prostitute;

8 (aa) Child abandonment;

9 (bb) Promoting pornography;

10 (cc) Selling or distributing erotic material to a minor;

11 (dd) Custodial assault;

12 (ee) Violation of child abuse restraining order;

13 (ff) Child buying or selling;

14 (gg) Prostitution;

15 (hh) Felony indecent exposure; or

16 (ii) Any of these crimes as they may be renamed in the future.

17 (6) "Crimes relating to financial exploitation" means a conviction

18 for first, second, or third degree extortion; first, second, or third

19 degree theft; first or second degree robbery; forgery; or any of these

20 crimes as they may be renamed in the future.

21 (7) "Disciplinary board final decision" means any final decision

22 issued by the disciplinary board or the director of the department of

23 licensing for the following businesses or professions:

24 (a) Chiropractic;

25 (b) Dentistry;

26 (c) Dental hygiene;

27 (d) Massage;

28 (e) Midwifery;

29 (f) Naturopathy;

30 (g) Osteopathy;

1 (h) Physical therapy;

2 (i) Physicians;

3 (j) Practical nursing;

4 (k) Registered nursing;

5 (l) Psychology; and

6 (m) Real estate brokers and salesmen.

7 (8) "Unsupervised" means not in the presence of:

8 (a) Another employee or volunteer from the same business or
9 organization as the applicant; or

10 (b) Any relative or guardian of any of the children or
11 developmentally disabled persons to (~~which~~) whom the applicant has
12 access during the course of his or her employment or involvement with
13 the business or organization.

14 (9) "Vulnerable adult" means:

15 (a) A person sixty years of age or older who has the functional,
16 mental, or physical inability to care for himself or herself; or

17 (b) A patient in a state hospital as defined in chapter 72.23 RCW.

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

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