
HOUSE BILL 2160

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Ogden, Wineberry and H. Myers

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1 AN ACT Relating to background checks on employees of public housing
2 authorities; and amending RCW 43.43.830.

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

4 **Sec. 1.** RCW 43.43.830 and 1992 c 145 s 16 are each amended to read
5 as follows:

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

8 (1) "Applicant" means:

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

13 (b) Any prospective volunteer who will have regularly scheduled
14 unsupervised access to children under sixteen years of age,
15 developmentally disabled persons, or vulnerable adults during the
16 course of his or her employment or involvement with the business or
17 organization under circumstances where such access will or may involve
18 groups of (i) five or fewer children under twelve years of age, (ii)

1 three or fewer children between twelve and sixteen years of age, (iii)
2 developmentally disabled persons, or (iv) vulnerable adults; or

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

4 (2) "Business or organization" means a business or organization
5 licensed in this state, any agency of the state, or other governmental
6 entity, that educates, trains, treats, supervises, houses, or provides
7 recreation to developmentally disabled persons, vulnerable adults, or
8 children under sixteen years of age, including but not limited to
9 public housing authorities, school districts, and educational service
10 districts.

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

23 (4) "Conviction record" means "conviction record" information as
24 defined in RCW 10.97.030(3) relating to a crime against children or
25 other persons committed by either an adult or a juvenile. It does not
26 include a conviction for an offense that has been the subject of an
27 expungement, pardon, annulment, certificate of rehabilitation, or other
28 equivalent procedure based on a finding of the rehabilitation of the
29 person convicted, or a conviction that has been the subject of a
30 pardon, annulment, or other equivalent procedure based on a finding of
31 innocence. It does include convictions for offenses for which the
32 defendant received a deferred or suspended sentence, unless the record
33 has been expunged according to law.

34 (5) "Crime against children or other persons" means a conviction of
35 any of the following offenses: Aggravated murder; first or second
36 degree murder; first or second degree kidnaping; first, second, or
37 third degree assault; first, second, or third degree assault of a
38 child; first, second, or third degree rape; first, second, or third
39 degree rape of a child; first or second degree robbery; first degree

1 arson; first degree burglary; first or second degree manslaughter;
2 first or second degree extortion; indecent liberties; incest; vehicular
3 homicide; first degree promoting prostitution; communication with a
4 minor; unlawful imprisonment; simple assault; sexual exploitation of
5 minors; first or second degree criminal mistreatment; child abuse or
6 neglect as defined in RCW 26.44.020; first or second degree custodial
7 interference; malicious harassment; first, second, or third degree
8 child molestation; first or second degree sexual misconduct with a
9 minor; first or second degree rape of a child; patronizing a juvenile
10 prostitute; child abandonment; promoting pornography; selling or
11 distributing erotic material to a minor; custodial assault; violation
12 of child abuse restraining order; child buying or selling;
13 prostitution; felony indecent exposure; or any of these crimes as they
14 may be renamed in the future.

15 (6) "Crimes relating to financial exploitation" means a conviction
16 for first, second, or third degree extortion; first, second, or third
17 degree theft; first or second degree robbery; forgery; or any of these
18 crimes as they may be renamed in the future.

19 (7) "Disciplinary board final decision" means any final decision
20 issued by the disciplinary board or the director of the department of
21 licensing for the following businesses or professions:

- 22 (a) Chiropractic;
- 23 (b) Dentistry;
- 24 (c) Dental hygiene;
- 25 (d) Massage;
- 26 (e) Midwifery;
- 27 (f) Naturopathy;
- 28 (g) Osteopathy;
- 29 (h) Physical therapy;
- 30 (i) Physicians;
- 31 (j) Practical nursing;
- 32 (k) Registered nursing;
- 33 (l) Psychology; and
- 34 (m) Real estate brokers and salesmen.

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

- 36 (a) Another employee or volunteer from the same business or
37 organization as the applicant; or
- 38 (b) Any relative or guardian of any of the children or
39 developmentally disabled persons to which the applicant has access

1 during the course of his or her employment or involvement with the
2 business or organization.

3 (9) "Vulnerable adult" means a person sixty years of age or older
4 who has the functional, mental, or physical inability to care for
5 himself or herself or a patient in a state hospital as defined in
6 chapter 72.23 RCW.

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

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

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