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**SUBSTITUTE SENATE BILL 5668**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senate Committee on Education (originally sponsored by Senators West, T. Sheldon, Patterson, Heavey, Snyder, Oke, Costa and Rasmussen)

Read first time 03/03/1999.

1 AN ACT Relating to criminal records checks for school employees and  
2 volunteers; amending RCW 43.43.834; and adding a new section to chapter  
3 28A.320 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.320  
6 RCW to read as follows:

7 Each school district shall adopt a policy requiring each school to  
8 ask volunteers, who may have regularly scheduled unsupervised access to  
9 children, if the volunteer has undergone a criminal records check in  
10 accordance with applicable state law, including RCW 10.97.050,  
11 28A.400.303, 28A.410.010, or 43.43.830 through 43.43.845, within the  
12 two years before the time the volunteer is volunteering in the school.  
13 If the volunteer has undergone such a check, then the school shall  
14 request that the volunteer furnish the school with a copy of the  
15 criminal history record information or sign a release to the business,  
16 school, organization, criminal justice agency, or juvenile justice or  
17 care agency, or other state agency that originally obtained the  
18 criminal history record information to permit the record information to  
19 be shared with the school. Once the school requests the information

1 from the business, school, organization, or agency the information must  
2 be furnished to the school within ten calendar days. Any business,  
3 school, organization, agency, or its employee or official that shares  
4 the criminal history record information with the requesting school in  
5 accordance with this section is immune from criminal and civil  
6 liability for dissemination of the information.

7 If the volunteer is unable to furnish the criminal history record  
8 information or refuses to sign the release then the school may prohibit  
9 the volunteer from volunteering in any situations where the volunteer  
10 will have regularly scheduled unsupervised access to children.

11 If the criminal history record information is shared, the school  
12 must require the volunteer to sign a disclosure statement indicating  
13 that there has been no conviction since the completion date of the most  
14 recent criminal background inquiry.

15 **Sec. 2.** RCW 43.43.834 and 1998 c 10 s 3 are each amended to read  
16 as follows:

17 (1) A business or organization shall not make an inquiry to the  
18 Washington state patrol under RCW 43.43.832 or an equivalent inquiry to  
19 a federal law enforcement agency unless the business or organization  
20 has notified the applicant who has been offered a position as an  
21 employee or volunteer, that an inquiry may be made.

22 (2) A business or organization shall require each applicant to  
23 disclose to the business or organization whether the applicant has  
24 been:

25 (a) Convicted of any crime against children or other persons;

26 (b) Convicted of crimes relating to financial exploitation if the  
27 victim was a vulnerable adult;

28 (c) Convicted of crimes related to drugs as defined in RCW  
29 43.43.830;

30 (d) Found in any dependency action under RCW 13.34.040 to have  
31 sexually assaulted or exploited any minor or to have physically abused  
32 any minor;

33 (e) Found by a court in a domestic relations proceeding under Title  
34 26 RCW to have sexually abused or exploited any minor or to have  
35 physically abused any minor;

36 (f) Found in any disciplinary board final decision to have sexually  
37 or physically abused or exploited any minor or developmentally disabled

1 person or to have abused or financially exploited any vulnerable adult;  
2 or

3 (g) Found by a court in a protection proceeding under chapter 74.34  
4 RCW, to have abused or financially exploited a vulnerable adult.

5 The disclosure shall be made in writing and signed by the applicant  
6 and sworn under penalty of perjury. The disclosure sheet shall specify  
7 all crimes against children or other persons and all crimes relating to  
8 financial exploitation as defined in RCW 43.43.830 in which the victim  
9 was a vulnerable adult.

10 (3) The business or organization shall pay such reasonable fee for  
11 the records check as the state patrol may require under RCW 43.43.838.

12 (4) The business or organization shall notify the applicant of the  
13 state patrol's response within ten days after receipt by the business  
14 or organization. The employer shall provide a copy of the response to  
15 the applicant and shall notify the applicant of such availability.

16 (5) The business or organization shall use this record only in  
17 making the initial employment or engagement decision. Further  
18 dissemination or use of the record is prohibited, except as provided in  
19 section 1 of this act. A business or organization violating this  
20 subsection is subject to a civil action for damages.

21 (6) An insurance company shall not require a business or  
22 organization to request background information on any employee before  
23 issuing a policy of insurance.

24 (7) The business and organization shall be immune from civil  
25 liability for failure to request background information on an applicant  
26 unless the failure to do so constitutes gross negligence.

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