

# HOUSE BILL REPORT

## HB 2688

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**As Passed House:**

February 11, 2004

**Title:** An act relating to criminal history background checks by the state lottery.

**Brief Description:** Authorizing the state lottery to conduct criminal history background checks.

**Sponsors:** By Representative Wood; by request of Lottery Commission.

**Brief History:**

**Committee Activity:**

Commerce & Labor: 1/22/04, 1/28/04 [DP].

**Floor Activity:**

Passed House: 2/11/04, 95-0.

**Brief Summary of Bill**

- The Lottery Commission is authorized to conduct criminal history background checks, including FBI fingerprint checks, on individuals seeking employment or a contract with the lottery.

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### HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass. Signed by 8 members: Representatives Conway, Chair; McMorris, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse, Holmquist, Hudgins, Kenney and McCoy.

**Staff:** Susan Kavanaugh (786-7106).

**Background:**

By statute, the Lottery Commission (Commission) is a law enforcement agency with power to enforce the Lottery Act. Under this authority, the Commission by rule requires criminal history background checks of applicants for licensure as lottery retailers. National criminal history checks require submitting fingerprints to the Federal Bureau of Investigation (FBI).

In 2001, as a result of court decisions, the FBI adopted a policy that state agencies may access their criminal history records for licensing, employment, or contracting background checks only if they are required to do so by state law. As background checks by the Commission are not currently required in statute, the Commission must contract with the State Patrol for FBI fingerprint checks or contact local law enforcement in other states directly.

Statutes governing the Washington State Gambling Commission and the Liquor Control Board have both been updated to specify background check requirements.

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**Summary of Bill:**

The Commission is authorized to conduct needed criminal history background checks on any person seeking:

- employment with the Commission;
- a contract with the Commission; or
- licensure as a lottery retailer.

It is specified that national criminal history checks are to include submission of fingerprints to the FBI.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** The Commission does background checks on those applying for employment, contracts, and licenses. The FBI changed their rules two years ago to require legislative authorization for background checks in order to use their national fingerprint check system. The Gambling Commission and Liquor Control Board have already got their statutes updated, and now the Commission is asking for the same thing. The change will enable the Commission to share background check data with the Gambling Commission and Liquor Control Board. The Commission does not currently, and does not plan to, require fingerprint checks for all retail licensees, but wants the authority for when it is needed on a case by case basis. The Commission still intends to use the State Patrol to do the actual fingerprinting and is not aware of objections by anyone to this change.

**Testimony Against:** None.

**Persons Testifying:** Kathy Kreiter, Washington State Lottery Commission.

**Persons Signed In To Testify But Not Testifying:** None.