

SENATE BILL REPORT

HB 2450

As Reported By Senate Committee On:
Government Operations & Elections, February 20, 2004

Title: An act relating to background checks on gubernatorial appointees.

Brief Description: Authorizing background checks on gubernatorial appointees.

Sponsors: Representatives Haigh, Lantz, Romero, Armstrong, Bush, Moeller, Rockefeller and Hankins; by request of Washington State Patrol.

Brief History:

Committee Activity: Government Operations & Elections: 2/20/04 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Roach, Chair; Berkey, Horn, Kastama and McCaslin.

Staff: Diane Smith (786-7410)

Background: The Governor must transmit to the Secretary of the Senate pertinent information about a gubernatorial appointee, among other things, for the appointment to be effective.

Pertinent information about the identification and criminal history of persons lawfully arrested and charged with, or convicted of, any criminal offense is compiled by a section of the Washington State Patrol. This information includes fingerprints, palmprints, photographs, or any other identification data from whatever source available. Criminal justice agencies can apply to receive these criminal records and personal histories. These files and records are otherwise privileged and neither available to the public nor disclosed for any personal purpose or in any civil court proceedings except upon a written court order.

Summary of Bill: When requested by either the Governor or the Director of the Department of Personnel, the Washington State Patrol must conduct nonconviction criminal history fingerprint record checks through its appropriate section and through the Federal Bureau of Investigation for gubernatorial appointments to agency head positions. "Agency head" means the individual or body of individuals in whom the ultimate legal authority of the agency is vested by any provision of law. If the agency head is a body of individuals, a majority of those individuals constitutes the agency head.

Confidentiality of these records must be maintained by the Governor and the Department of Personnel.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Nonconviction records include arrests that do not lead to conviction, so is more inclusive.

Testimony Against: None.

Testified: Fred Fakkema, Captain, State Patrol (pro).