

SENATE BILL REPORT

ESHB 2556

As Reported By Senate Committee On:
Children & Family Services & Corrections, February 26, 2004

Title: An act relating to studying criminal background check processes.

Brief Description: Studying criminal background check processes.

Sponsors: House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Kagi, Carrell, Upthegrove, Miloscia, Lovick and Moeller).

Brief History:

Committee Activity: Children & Family Services & Corrections: 2/24/04, 2/26/04 [DPA].

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Staff: Lilah Amos (786-7429)

Background: The Washington State Patrol (WSP) must maintain records of convictions and must disclose specified criminal background information to agencies, businesses, schools, health care facilities, charitable and for-profit organizations, and employers whose employees or volunteers come into contact with children, vulnerable adults, or developmentally disabled persons. In many situations, persons applying for employment for whom a criminal background check is required can be conditionally employed as a volunteer or independent contractor pending completion of the background check. Concern exists that, due to constantly increasing numbers of requests for criminal background checks, the existing system and infrastructure are not adequate to provide the necessary information in a timely manner, which endangers the public safety. Employers and others to whom the WSP is required to provide criminal background information complain that often the requested information is not received for several weeks.

Summary of Amended Bill: An 11-member joint task force on criminal background check processes is created. Members include designees from the Washington State Patrol, the Department of Social and Health Services, and the state Superintendent of Public Instruction, an elected sheriff or police chief, and seven members representing organizations involved in provision of services to children, persons with a developmental disability, and vulnerable adults.

The task force must make recommendations to the Legislature and Governor regarding the criminal background check process. The task force will focus on policy issues and must review what federal and state laws require, what information is available and reportable, the feasibility of requiring all businesses to conduct criminal background checks on all employees

who have regular access to children, the feasibility of periodic background checks, and the benefits and obstacles of implementing a program created by the National Child Protection Act of 1993.

In addition, the Washington Association of Sheriffs and Police Chiefs (WASPC), in consultation with the WSP, must perform a study of the technology of criminal background check systems and how Washington's criminal background check system can be faster, more accessible, and more efficient. The study will examine improvements in other states and must recommend how to design and fund a comprehensive system in Washington.

A report by WASPC is due to the joint task force no later than November 30, 2004. The joint task force must report its findings no later than December 31, 2004.

Amended Bill Compared to Substitute Bill: The Senate and House member participation on the task force has been eliminated. The task force will focus on criminal history background check policy, and the WASPC study will involve the technological aspects of background checks.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The issue of delays in receiving results of criminal history background checks persists and is a significant problem to employers and nonprofit organizations. Background check processes have not been studied for many years. Given technological advances which allow other states to provide more timely results, it is important to find a way to improve Washington's criminal background check system.

Testimony Against: None.

Testified: PRO: Amy Bell, YMCA's of Washington; Laurie Lippold, Children's Home Society; Tim Schellberg, WASPC.