

HOUSE BILL REPORT

HB 3118

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to reporting requirements for criminal history record information.

Brief Description: Revising reporting requirements for criminal history record information.

Sponsors: Representatives O'Brien, Clements, Lovick, Dickerson, Darneille and Ericks.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/2/06 [DP].

Brief Summary of Bill

- Corrects several technical mistakes that were included in Substitute Senate Bill 5899 passed in 2005.
- Eliminates several statutory provisions requiring dependency record information to be maintained by the Washington State Patrol.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby, Strow and Williams.

Staff: Yvonne Walker (786-7841).

Background:

The Joint Task Force on Criminal Background Check Processes (Task Force) was created by the passage of Engrossed Substitute House Bill 2556 during the 2004 legislative session and was extended an additional year during the 2005 legislative session (SHB 1681). The legislation required the Task Force to review and make recommendations regarding how to improve the state's criminal background check processes. The legislation also required the Task Force to report its findings and recommendations to the Legislature.

One of the Task Force's recommendations was to revised RCW 43.43 (the chapter governing the Washington State Patrol (WSP)) to make the language consistent with the changes that the Legislature approved in the 2005 legislative session. In 2005, the Legislature passed Substitute Senate Bill 5899 (Chapter 421 of the laws of 2005) which simplified and eliminated

duplicative provisions of certain statutes so that the dissemination of background checks was handled under one chapter. In addition, the act also:

- eliminated the requirement that, before forwarding information to certain persons or agencies requesting a background check, the WSP redact all information not related to crimes committed against children or other persons, crimes relating to drugs, and crimes relating to financial exploitation;
- eliminated provisions that are not currently being implemented, such as the requirement that disciplinary boards' final decisions and information relating to dependency matters and domestic relations cases, be sent to the WSP;
- authorized that pending charges, which occurred in the preceding 12 months, be disseminated to specific organizations so long as those charges only relate to a "crime against a person;"
- required the WSP to put a clear notice on all background check records that are distributed stating that certain information is not included and where that specific information can be found; and
- required the prosecuting attorney to notify the WSP if a person pleads guilty to or is convicted of certain offenses.

Substitute Senate Bill 5899 eliminated certain provisions requiring that civil and administrative decisions be sent to the WSP. The Task Force discovered that, as a practical matter, the decisions were not being forwarded to the WSP or could not be integrated into the WSP's criminal history records because they did not contain fingerprint records. However, as the bill progressed through the Legislature, several references that mandated the requirement were inadvertently left in the final bill as enacted. The 2005 legislative report from the Task Force recommended that a bill be introduced to correct several technical mistakes that were included in Substitute Senate Bill 5899.

Summary of Bill:

Chapter RCW 43.43 (the Revised Code of Washington governing the WSP) is amended to make the language consistent with the changes that the Legislature approved in the 2005 legislative session in Substitute Senate Bill 5899. Dependency record information and protection proceeding record information are no longer required to be sent to the WSP. All references requiring the WSP to maintain and furnish information regarding dependency proceedings and protection proceedings are eliminated. All references requiring the courts, local law enforcement agencies, and the Department of Health to report this type of information to the WSP is also removed.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: None.

Testimony Against: None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.