

# HOUSE BILL REPORT

## HB 1844

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### As Passed Legislature

**Title:** An act relating to criminal history record checks of current and prospective department of licensing employees who issue or may issue enhanced drivers' licenses and identicards.

**Brief Description:** Requiring criminal history record checks of current and prospective department of licensing employees who issue or may issue enhanced drivers' licenses and identicards.

**Sponsors:** Representatives Moeller, Ericksen, Finn, Hudgins, Driscoll, Kelley and Morrell; by request of Department of Licensing.

#### **Brief History:**

##### **Committee Activity:**

Transportation: 2/11/09, 2/16/09 [DP].

##### **Floor Activity**

Passed House: 3/3/09, 97-0.

Passed Senate: 4/10/09, 46-0.

Passed Legislature.

#### **Brief Summary of Bill**

- Requires the Department of Licensing to conduct criminal history background checks of current and prospective employees involved in the issuance of enhanced driver's licenses and identicards.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 26 members: Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong, Campbell, Cox, Dickerson, Driscoll, Eddy, Ericksen, Finn, Herrera, Johnson, Klippert, Kristiansen, Moeller, Rolfes, Shea, Simpson, Springer, Takko, Upthegrove, Wallace, Williams and Wood.

**Staff:** David Munnecke (786-7315)

#### **Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The federal Intelligence Reform and Terrorism Prevention Act of 2004 mandated that the Secretary of Homeland Security, in consultation with the Secretary of State, develop and implement a plan to require United States citizens and foreign nationals to present a passport or other secure document when entering the United States. In April 2005 the departments of State and Homeland Security announced the Western Hemisphere Travel Initiative (WHTI), which will ultimately require individuals entering or re-entering the United States to present a passport or other acceptable secure identification. The identification requirements of the WHTI are scheduled to take full effect on June 1, 2009.

When announcing the WHTI, the departments of State and Homeland Security identified the passport as the document of choice for entry or re-entry into the United States, but acknowledged that certain other documents might be acceptable in lieu of a passport. Pursuant to this option, the Department of Licensing (DOL) now issues a voluntary, enhanced driver's license or identicard (EDL) to an applicant who, in addition to meeting all other driver's license or identicard requirements, provides the DOL with proof of U.S. citizenship, identity, and state residency, and successfully completes an interview with a DOL licensing services representative. The EDL includes a biometric matching system based on facial recognition technology.

In order to issue the EDL, the DOL agreed to allow the Department of Homeland Security (DHS) to conduct background checks on employees involved in the issuance of the cards. The agreement pursuant to which the DHS conducts these background checks expires at the end of June 2009.

**Summary of Bill:**

The DOL is required to investigate the conviction records of, and pending charges against, any current or prospective employee with the ability to issue an EDL or the ability to create or modify records of applicants for an EDL. This investigation takes the form of a background check through the Washington State Patrol and the Federal Bureau of Investigation. The DOL is also required to reinvestigate such employees every five years.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) The DOL began issuing enhanced driver's licenses in 2008. In order to issue the documents, the federal DHS required background checks of all the DOL personnel involved in the process, and agreed to pay for the screening. All the current employees have thus been screened, and both of the unions representing the employees have not objected to the DOL taking over the screenings, as it must upon the expiration of the current screening agreement with the DHS. The passage of this bill would allow for the continued issuance of enhanced

drivers' licenses. The WSP has indicated the requirement that it provide the background checks would have a minimal impact.

(Opposed) None.

**Persons Testifying:** Representative Moeller, prime sponsor; and Alan Haight and Jan Small, Washington State Department of Licensing.

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