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SENATE BILL 6878

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State of Washington                      61st Legislature                      2010 Regular Session

By Senators Prentice and Kline

Read first time 02/24/10. Referred to Committee on Ways & Means.

1            AN ACT Relating to fees for criminal background checks; amending  
2 RCW 43.43.838; and providing an effective date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 43.43.838 and 2009 c 170 s 1 are each amended to read  
5 as follows:

6            (1) After January 1, 1988, and notwithstanding any provision of RCW  
7 43.43.700 through 43.43.810 to the contrary, the state patrol shall  
8 furnish a transcript of the conviction record pertaining to any person  
9 for whom the state patrol or the federal bureau of investigation has a  
10 record upon the written request of:

- 11            (a) The subject of the inquiry;
- 12            (b) Any business or organization for the purpose of conducting  
13 evaluations under RCW 43.43.832;
- 14            (c) The department of social and health services;
- 15            (d) Any law enforcement agency, prosecuting authority, or the  
16 office of the attorney general;
- 17            (e) The department of social and health services for the purpose of  
18 meeting responsibilities set forth in chapter 74.15, 18.51, 18.20, or  
19 72.23 RCW, or any later-enacted statute which purpose is to regulate or

1 license a facility which handles vulnerable adults. However, access to  
2 conviction records pursuant to this subsection (1)(e) does not limit or  
3 restrict the ability of the department to obtain additional information  
4 regarding conviction records and pending charges as set forth in RCW  
5 74.15.030(2)(b); or

6 (f) The department of early learning for the purpose of meeting  
7 responsibilities in chapter 43.215 RCW.

8 (2) The state patrol shall by rule establish fees for disseminating  
9 records under this section to recipients identified in subsection  
10 (1)(a) and (b) of this section. The state patrol shall also by rule  
11 establish fees for disseminating records in the custody of the national  
12 crime information center. The revenue from the fees shall cover, as  
13 nearly as practicable, the direct and indirect costs to the state  
14 patrol of disseminating the records. (~~(No fee shall be charged to a~~  
15 ~~nonprofit organization for the records check.)~~) Nonprofit organizations  
16 requesting fifty or more record checks per fiscal year shall be charged  
17 one dollar. Nonprofit organizations requesting fifty or fewer record  
18 checks per fiscal year shall be charged five dollars. Record checks  
19 requested by school districts and educational service districts using  
20 only name and date of birth will be provided free of charge.

21 (3) No employee of the state, employee of a business or  
22 organization, or the business or organization is liable for defamation,  
23 invasion of privacy, negligence, or any other claim in connection with  
24 any lawful dissemination of information under RCW 43.43.830 through  
25 43.43.840 or 43.43.760.

26 (4) Before July 26, 1987, the state patrol shall adopt rules and  
27 forms to implement this section and to provide for security and privacy  
28 of information disseminated under this section, giving first priority  
29 to the criminal justice requirements of this chapter. The rules may  
30 include requirements for users, audits of users, and other procedures  
31 to prevent use of civil adjudication record information or criminal  
32 history record information inconsistent with this chapter.

33 (5) Nothing in RCW 43.43.830 through 43.43.840 shall authorize an  
34 employer to make an inquiry not specifically authorized by this  
35 chapter, or be construed to affect the policy of the state declared in  
36 chapter 9.96A RCW.

1        NEW SECTION.   **Sec. 2.**   This act takes effect July 1, 2010.

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