

HOUSE BILL REPORT

HB 1336

As Reported by House Committee On:
Business & Financial Services

Title: An act relating to fingerprint-based background checks for the licensing of security guards.

Brief Description: Allowing fingerprint-based background checks for the licensing of any security guard.

Sponsors: Representatives Kirby and Hayes; by request of Department of Licensing.

Brief History:

Committee Activity:

Business & Financial Services: 1/27/15, 1/28/15 [DP], 1/20/16, 1/27/16 [DP].

Brief Summary of Bill

- Requires applicants for any private security guard license to undergo national, fingerprint-based background checks.
- Removes the requirement that the Department of Licensing (DOL) solicit comments from local law enforcement regarding applicants for private security guard licenses.
- Requires the DOL to inform an applicant's employer if the applicant is ineligible for a license as a private security guard.

HOUSE COMMITTEE ON BUSINESS & FINANCIAL SERVICES

Majority Report: Do pass. Signed by 8 members: Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; Blake, Hurst, Kochmar, Ryu and Santos.

Minority Report: Do not pass. Signed by 3 members: Representatives McCabe, Assistant Ranking Minority Member; Dye and G. Hunt.

Staff: Peter Clodfelter (786-7127).

Background:

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.

Private Security Guard.

A private security guard is a person who is licensed and principally employed, or typically referred to, as one of the following:

- a security officer or guard;
- a patrol or merchant patrol service officer or guard;
- an armed escort or bodyguard;
- an armored vehicle guard;
- a burglar alarm response runner; or
- a crowd control officer or guard.

An applicant must meet the following minimum requirements to obtain a private security guard license:

- be at least 18 years of age;
- be a citizen of the United States or a resident alien;
- not have been convicted of a crime in any jurisdiction, if the Department of Licensing (DOL) determines that the applicant's particular crime directly relates to the applicant's capacity to perform the duties of a private security guard, and the DOL determines that the license should be withheld to protect the citizens of Washington;
- be employed by, or have an employment offer from, a licensed private security company or be licensed as a private security company;
- satisfy the training requirements established by the DOL;
- submit a set of fingerprints; the applicant is not required to undergo a separate background check if the applicant has been issued a license as a private investigator under chapter 18.165 RCW within the last 12 months; and
- submit a completed application that includes proper identification on a form prescribed by the DOL for each company of employment.

Armed Private Security Guard.

An armed private security guard is a private security guard who has a current firearms certificate issued by the Criminal Justice Training Commission (Commission). An applicant for an armed private security guard license must meet the following minimum requirements:

- be licensed as a private security guard;
- be at least 21 years of age;
- have a current firearms certificate issued by the Commission; and
- pay the fee established by the DOL.

Investigation of Applicants for Private Security Guard Licenses.

After receiving an application for a license, the DOL must conduct an investigation to determine whether the facts set forth in the application are true and must request that the Washington State Patrol (WSP) compare the fingerprints submitted with the application to fingerprint records available to the WSP.

The DOL must also solicit comments regarding the issuance of a permanent private security guard license from the chief law enforcement officer of the county and city or town in which the applicant's employer is located. The DOL must forward to the applicant's employer a summary of the information acquired during the investigation of an applicant to the extent that the information is public.

The WSP must forward the fingerprints of an applicant for an armed private security guard license to the Federal Bureau of Investigation (FBI) for a national, fingerprint-based background check.

Summary of Bill:

The WSP must forward the fingerprints of an applicant for any private security guard license to the FBI for a national, fingerprint-based background check, not just those fingerprints of an applicant for an armed private security guard license. An applicant is not subject to a separate national, fingerprint-based background check if the applicant has been issued a license as an armed private investigator under chapter 18.165 RCW within the previous 12 months of submitting the application.

The DOL is no longer required to solicit comments from the chief law enforcement officer of the county and city or town in which the applicant's employer is located regarding the issuance of a private security guard license. The DOL must inform the applicant's employer if the applicant is ineligible to be a security guard and may provide a time frame for the applicant's ineligibility.

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) Millions of dollars of merchandise and state taxes are lost to shoplifting yearly. Many retailers have thin profit margins relative to other industries and must employ security personnel to deter theft and fraud. Authorizing national, fingerprint-based background checks will help retailers make hiring decisions for these important security positions. For years the DOL submitted the fingerprints of both unarmed and armed private security guard license applicants to the FBI for a national, fingerprint-based background check. However, in 2012, upon determining that Washington statutes expressly authorize the DOL to send to the FBI only those fingerprints of armed private security guard applicants, and not also those fingerprints of unarmed private security guard applicants, the FBI stopped performing national, fingerprint-based background checks on unarmed private security guard applicants in Washington. The DOL has access to limited information, despite the existence of other information on applicants in electronic form. This gap in the law is a public safety risk. This bill provides the necessary authorization to fill that gap and allow the FBI to again perform national, finger-print based background checks of unarmed private security guard applicants in Washington.

(Opposed) None.

Persons Testifying: Joanie Deutsch, Washington Retail Association and Washington State Organized Retail Crime Alliance; Karla Laughlin, Department of Licensing; and Michael Transue, Pierce County Security Services.

Persons Signed In To Testify But Not Testifying: