
Local Government Committee

SB 5399

Brief Description: Concerning the use of background checks for persons who work with children, persons with developmental disabilities, and vulnerable adults.

Sponsors: Senators O'Ban, Miloscia, Darneille, Pearson, Takko and Hunt.

Brief Summary of Bill

- Authorizes cities, towns, and counties to require, by ordinance, a federal background check of specified individuals.
- Authorizes cities, towns, and counties to require, without an ordinance, a state background check and background check through a private organization of specified individuals.
- Authorizes metropolitan park districts (MPDs) to require, without a resolution, a background check of specified individuals through a private organization.
- Expands the categories of individuals subject to a background check by a MPD.

Hearing Date: 3/21/17

Staff: Cassie Jones (786-7303).

Background:

Washington State Patrol—Background Checks.

The Washington state patrol (WSP) Identification and Criminal History Section is the state's central repository for criminal history record information. The WSP may disseminate criminal conviction records without restriction, but the dissemination of nonconviction records are subject to restrictions. A "conviction record" is criminal history record information relating to an incident that has led to a conviction or other disposition adverse to the subject. Nonconviction data is criminal history record information relating to an incident that has not led to a conviction or other disposition adverse to the subject, and for which proceedings are no longer actively pending.

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.

Cities and Towns, Code Cities, and Counties.

Cities and towns, code cities, and counties may require, by ordinance, a state and federal background investigation of license applicants or licensees in certain occupations. The WSP Identification and Criminal History Section must conduct the background checks, which may include a national check from the Federal Bureau of Investigation (FBI) through the submission of fingerprints. The requesting entity must pay fees for the background checks to the WSP.

Metropolitan Park Districts.

A metropolitan park district (MPD) is a type of special purpose district that may be created for the management, control, improvement, maintenance, or acquisition of parks, parkways, boulevards, and recreational facilities.

Metropolitan park districts are required to establish, by resolution, the requirements for a record check through the WSP and the FBI, of employees, volunteers, or independent contractors who may, in the course of their work with the park district:

- have unsupervised access to children or vulnerable adults; or
- be responsible for collecting or disbursing cash or processing credit/debit card transactions.

A background check conducted through the FBI may include a fingerprint check. The MPD is required to provide a copy of the record report to the individual who is the subject of the background check and may require that person to pay costs associated with the background check. The MPD may employ the individual on a conditional basis, pending the completion of the background check. In addition, the MPD may waive the background check requirement if the individual had a background check completed within the past 12 months.

Summary of Bill:

Cities and Towns, Code Cities, and Counties.

A city, town, or county may require, by ordinance, a federal background check of employees, applicants for employment, volunteers, vendors, and independent contractors who, in the course of their work for the agency, may have unsupervised access to children, persons with developmental disabilities, or vulnerable adults.

For these same individuals, cities and towns, code cities, and counties may require, without an ordinance, a state background investigation and a criminal background investigation conducted through a private organization. The WSP must conduct the state and federal background checks, which may include a national background check from the FBI through the submission of fingerprints. In addition, the requesting entity must pay fees set by the WSP for these background checks.

Metropolitan Park Districts (MPDs).

Metropolitan park districts are required to establish, by resolution, the requirements for state and federal record checks of park district vendors and applicants for employment – in addition to the existing requirements for employees, volunteers, and independent contractors – who in the course of their work, may:

- have access to children, persons with developmental disabilities, or vulnerable adults; or

- be responsible for collecting or disbursing cash or processing credit/debit card transactions.

For the same individuals, the MPD may require, without a resolution, a criminal background check conducted through a private organization. The WSP must conduct the state and federal background checks, which may include a national background check from the FBI through the submission of fingerprints.

Vendors are added to the list of individuals: (1) who may be employed on a conditional basis pending completion of a background check; and (2) do not need a new background check if they have previously had one in the previous 12 months. Metropolitan park districts must submit any fees as may be required by the WSP to conduct these background checks. Vendors and employees are added to the list of individuals that the MPD may charge for costs associated with a background check.

Appropriation: None.

Fiscal Note: Requested on March 17, 2017.

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