

SENATE BILL REPORT

SB 5399

As Passed Senate, March 6, 2017

Title: An act relating to the use of background checks for persons who work with children, persons with developmental disabilities, and vulnerable adults.

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 History:

Committee Activity: Human Services, Mental Health & Housing: 1/31/17, 2/06/17 [DP, w/oRec].

Floor Activity:

Passed Senate: 3/06/17, 49-0.

Brief Summary of Bill

- Authorizes cities and towns, code cities, and counties to require, by ordinance, a federal background check of specified individuals.
- Authorizes cities and towns, code cities, counties, and metropolitan park districts to require a state background check and a background check conducted through a private organization of specified individuals, without the passage of an ordinance.
- Expands the categories of individuals subject to a background check as required by a metropolitan park district.

SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING

Majority Report: Do pass.

Signed by Senators O'Ban, Chair; Darneille, Ranking Minority Member; Hunt and Walsh.

Minority Report: That it be referred without recommendation.

Signed by Senator Padden.

Staff: Brandon Popovac (786-7465)

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.

Background: Washington State Patrol - Background Checks. The Washington State Patrol (WSP) Identification and Criminal History Section (WASIS) is the state's central repository for fingerprint-based Criminal History Record Information (CHRI). The WSP may disseminate criminal conviction records without restriction. 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. Criminal conviction records are limited to crimes committed in Washington.

Federal Bureau of Investigation (FBI) - Background Checks. The FBI is the national repository for fingerprint-based CHRI. As required by federal law, national criminal background checks must be expressly authorized by state statute. WASIS processes fingerprint-based national background checks through the FBI. The WSP is the sole source of receipt for fingerprint submissions, as well as responses from the FBI.

Cities and Towns, Code Cities, 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. WASIS conduct the background checks and the requesting entity must pay fees as established by the WSP.

Metropolitan Park Districts. By resolution, park districts are to establish the requirements for a record check through WASIS and the FBI for all employees, volunteers, or independent contractors who in the course of their work or volunteer activity with the park district may have unsupervised access to children or vulnerable adults, or be responsible for collecting or distributing cash or processing cash or processing credit/debit card transactions.

Summary of Bill: Cities and Towns, Code Cities, Counties. Cities and towns, code cities, and counties may require, by ordinance, a federal background investigation of employees, applicants for employment, volunteers, vendors, and independent contractors, who in the course of their work or volunteer activity, may have unsupervised access to:

- children;
- persons with developmental disabilities; and
- 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. 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 developments disabilities, or vulnerable adults;
- or
- be responsible for collecting or disbursing cash or processing credit/debit card transactions.

For the same individuals, the park district may require a criminal background check conducted through a private organization. Park districts must submit any fees as may be required by the WSP to conduct these background checks.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: *Testimony from 2017 Regular Session.* PRO: This bill provides a safety tool for local governments and those that work with children, vulnerable adults, and people with developmental disabilities. We already have a system for the state to authorize backgrounds through the FBI. This adds cities and counties to the list—there are many instances of such employees working with these populations at recreation centers, community centers, and pools. For Metropolitan Parks, there are many examples of working with kids, like overnight kayaks trips and trips to the Special Olympics. Standard language across the various entities is helpful. The language is permissive—the more information an employer has, the better they are able to vet prospective employees. No cost to the state as WSP charges fees for these requests.

Persons Testifying: PRO: Doug Levy, WA Rec & Park Assn & Cities of Everett, Kent, Renton, Redmond, Puyallup, Issaquah, LK Stevens, Fife; Tammy White, Assistant City Attorney - City of Kent; Paul Simmons, Olympia Metropolitan Park District.

Persons Signed In To Testify But Not Testifying: No one.