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SUBSTITUTE HOUSE BILL 1620

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State of Washington

65th Legislature

2017 Regular Session

**By** House Local Government (originally sponsored by Representatives Lovick, McDonald, Johnson, Hayes, Stonier, Griffey, McBride, Harris, Springer, Stambaugh, Gregerson, Appleton, Muri, and Haler)

READ FIRST TIME 02/13/17.

1 AN ACT Relating to expanding the authority of local governments  
2 to require criminal history background checks; and amending RCW  
3 35.21.920, 35A.21.370, 36.01.300, and 35.61.130.

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

5 **Sec. 1.** RCW 35.21.920 and 2010 c 47 s 2 are each amended to read  
6 as follows:

7 (1) For the purpose of receiving criminal history record  
8 information by city or town officials, cities or towns ((may, by  
9 ordinance, require a)) shall establish by ordinance the requirements  
10 for a:

11 (a) State and federal background investigation of license  
12 applicants or licensees in occupations specified by ordinance ((for  
13 the purpose of receiving criminal history record information by city  
14 or town officials));

15 (b) Federal background investigation of city or town employees,  
16 applicants for employment, volunteers, vendors, and independent  
17 contractors, who, in the course of their work or volunteer activity  
18 with the city or town, may have unsupervised access to children,  
19 persons with developmental disabilities, or vulnerable adults;

20 (c) State criminal background investigation of city or town  
21 employees, applicants for employment, volunteers, vendors, and

1 independent contractors, who, in the course of their work or  
2 volunteer activity with the city or town, may have unsupervised  
3 access to children, persons with developmental disabilities, or  
4 vulnerable adults; and

5 (d) Criminal background investigation conducted through a private  
6 organization of city or town employees, applicants for employment,  
7 volunteers, vendors, and independent contractors, who, in the course  
8 of their work or volunteer activity with the city or town, may have  
9 unsupervised access to children, persons with developmental  
10 disabilities, or vulnerable adults.

11 (2) The investigation conducted under subsection (1)(a) through  
12 (c) of this section shall consist of a background check as allowed  
13 through the Washington state criminal records privacy act under RCW  
14 10.97.050, the Washington state patrol criminal identification system  
15 under RCW 43.43.832 through 43.43.834, and the federal bureau of  
16 investigation. ((These))

17 (3) The background checks conducted under subsection (1)(a)  
18 through (c) of this section must be done through the Washington state  
19 patrol identification and criminal history section and may include a  
20 national check from the federal bureau of investigation, which shall  
21 be through the submission of fingerprints. The Washington state  
22 patrol shall serve as the sole source for receipt of fingerprint  
23 submissions and the responses to the submissions from the federal  
24 bureau of investigation, which must be disseminated to the city or  
25 town.

26 (4) For a criminal background check conducted under subsection  
27 (1)(a) through (c) of this section, the city or town shall transmit  
28 appropriate fees for a state and national criminal history check to  
29 the Washington state patrol, unless alternately arranged.

30 (5) The authority for background checks outlined in this section  
31 is in addition to any other authority for such checks provided by  
32 law.

33 **Sec. 2.** RCW 35A.21.370 and 2010 c 47 s 3 are each amended to  
34 read as follows:

35 (1) For the purpose of receiving criminal history record  
36 information by code city officials, code cities ((may, by ordinance,  
37 require a)) shall establish by ordinance the requirements for a:

38 (a) State and federal background investigation of license  
39 applicants or licensees in occupations specified by ordinance ((for

1 ~~the purpose of receiving criminal history record information by code~~  
2 ~~city officials));~~

3 (b) Federal background investigation of code city employees,  
4 applicants for employment, volunteers, vendors, and independent  
5 contractors, who, in the course of their work or volunteer activity  
6 with the code city, may have unsupervised access to children, persons  
7 with developmental disabilities, or vulnerable adults;

8 (c) State criminal background investigation of code city  
9 employees, applicants for employment, volunteers, vendors, and  
10 independent contractors, who, in the course of their work or  
11 volunteer activity with the code city, may have unsupervised access  
12 to children, persons with developmental disabilities, or vulnerable  
13 adults; and

14 (d) Criminal background investigation conducted through a private  
15 organization of code city employees, applicants for employment,  
16 volunteers, vendors, and independent contractors, who, in the course  
17 of their work or volunteer activity with the code city, may have  
18 unsupervised access to children, persons with developmental  
19 disabilities, or vulnerable adults.

20 (2) The investigation conducted under subsection (1)(a) through  
21 (c) of this section shall consist of a background check as allowed  
22 through the Washington state criminal records privacy act under RCW  
23 10.97.050, the Washington state patrol criminal identification system  
24 under RCW 43.43.832 through 43.43.834, and the federal bureau of  
25 investigation. ((These))

26 (3) The background checks conducted under subsection (1)(a)  
27 through (c) of this section must be done through the Washington state  
28 patrol identification and criminal history section and may include a  
29 national check from the federal bureau of investigation, which shall  
30 be through the submission of fingerprints. The Washington state  
31 patrol shall serve as the sole source for receipt of fingerprint  
32 submissions and the responses to the submissions from the federal  
33 bureau of investigation, which must be disseminated to the code city.

34 (4) For a criminal background check conducted under subsection  
35 (1)(a) through (c) of this section, the code city shall transmit  
36 appropriate fees for a state and national criminal history check to  
37 the Washington state patrol, unless alternately arranged.

38 (5) The authority for background checks outlined in this section  
39 is in addition to any other authority for such checks provided by  
40 law.

1       **Sec. 3.** RCW 36.01.300 and 2010 c 47 s 1 are each amended to read  
2 as follows:

3       (1) For the purpose of receiving criminal history record  
4 information by county officials, counties ((may, by ordinance,  
5 require a)) shall establish by ordinance the requirements for a:

6       (a) State and federal background investigation of license  
7 applicants or licensees in occupations specified by ordinance ((for  
8 the purpose of receiving criminal history record information by  
9 county officials));

10       (b) Federal background investigation of county employees,  
11 applicants for employment, volunteers, vendors, and independent  
12 contractors, who, in the course of their work or volunteer activity  
13 with the county, may have unsupervised access to children, persons  
14 with developmental disabilities, or vulnerable adults;

15       (c) State background investigation of county employees,  
16 applicants for employment, volunteers, vendors, and independent  
17 contractors, who, in the course of their work or volunteer activity  
18 with the county, may have unsupervised access to children, persons  
19 with developmental disabilities, or vulnerable adults; and

20       (d) Criminal background investigation conducted through a private  
21 organization of county employees, applicants for employment,  
22 volunteers, vendors, and independent contractors, who, in the course  
23 of their work or volunteer activity with the county, may have  
24 unsupervised access to children, persons with developmental  
25 disabilities, or vulnerable adults.

26       (2) The investigation conducted under subsection (1)(a) through  
27 (c) of this section shall consist of a background check as allowed  
28 through the Washington state criminal records privacy act under RCW  
29 10.97.050, the Washington state patrol criminal identification system  
30 under RCW 43.43.832 through 43.43.834, and the federal bureau of  
31 investigation. ((These))

32       (3) The background checks conducted under subsection (1)(a)  
33 through (c) of this section must be done through the Washington state  
34 patrol identification and criminal history section and may include a  
35 national check from the federal bureau of investigation, which shall  
36 be through the submission of fingerprints. The Washington state  
37 patrol shall serve as the sole source for receipt of fingerprint  
38 submissions and the responses to the submissions from the federal  
39 bureau of investigation, which must be disseminated to the county.

1       (4) For a criminal background check conducted under subsection  
2 (1)(a) through (c) of this section, the county shall transmit  
3 appropriate fees for a state and national criminal history check to  
4 the Washington state patrol, unless alternately arranged.

5       (5) The authority for background checks outlined in this section  
6 is in addition to any other authority for such checks provided by  
7 law.

8       **Sec. 4.** RCW 35.61.130 and 2006 c 222 s 1 are each amended to  
9 read as follows:

10       (1) A metropolitan park district has the right of eminent domain,  
11 and may purchase, acquire and condemn lands lying within or without  
12 the boundaries of said park district, for public parks, parkways,  
13 boulevards, aviation landings and playgrounds, and may condemn such  
14 lands to widen, alter and extend streets, avenues, boulevards,  
15 parkways, aviation landings and playgrounds, to enlarge and extend  
16 existing parks, and to acquire lands for the establishment of new  
17 parks, boulevards, parkways, aviation landings and playgrounds. The  
18 right of eminent domain shall be exercised and instituted pursuant to  
19 resolution of the board of park commissioners and conducted in the  
20 same manner and under the same procedure as is or may be provided by  
21 law for the exercise of the power of eminent domain by incorporated  
22 cities and towns of the state of Washington in the acquisition of  
23 property rights: PROVIDED, HOWEVER, Funds to pay for condemnation  
24 allowed by this section shall be raised only as specified in this  
25 chapter.

26       (2) The board of park commissioners shall have power to employ  
27 counsel, and to regulate, manage and control the parks, parkways,  
28 boulevards, streets, avenues, aviation landings and playgrounds under  
29 its control, and to provide for park police, for a secretary of the  
30 board of park commissioners and for all necessary employees, to fix  
31 their salaries and duties.

32       (3) The board of park commissioners shall have power to improve,  
33 acquire, extend and maintain, open and lay out, parks, parkways,  
34 boulevards, avenues, aviation landings and playgrounds, within or  
35 without the park district, and to authorize, conduct and manage the  
36 letting of boats, or other amusement apparatus, the operation of bath  
37 houses, the purchase and sale of foodstuffs or other merchandise, the  
38 giving of vocal or instrumental concerts or other entertainments, the  
39 establishment and maintenance of aviation landings and playgrounds,

1 and generally the management and conduct of such forms of recreation  
2 or business as it shall judge desirable or beneficial for the public,  
3 or for the production of revenue for expenditure for park purposes;  
4 and may pay out moneys for the maintenance and improvement of any  
5 such parks, parkways, boulevards, avenues, aviation landings and  
6 playgrounds as now exist, or may hereafter be acquired, within or  
7 without the limits of said city and for the purchase of lands within  
8 or without the limits of said city, whenever it deems the purchase to  
9 be for the benefit of the public and for the interest of the park  
10 district, and for the maintenance and improvement thereof and for all  
11 expenses incidental to its duties: PROVIDED, That all parks,  
12 boulevards, parkways, aviation landings and playgrounds shall be  
13 subject to the police regulations of the city within whose limits  
14 they lie.

15 ~~(4) ((For all employees, volunteers, or independent contractors,~~  
16 ~~who may, in the course of their work or volunteer activity with the~~  
17 ~~park district, have unsupervised access to children or vulnerable~~  
18 ~~adults, or be responsible for collecting or disbursing cash or~~  
19 ~~processing credit/debit card transactions,))~~

20 (a) For the purpose of receiving criminal history record  
21 information by metropolitan park districts, metropolitan park  
22 districts shall establish by resolution the requirements for a:

23 (i) State and federal record check of park district employees,  
24 applicants for employment, volunteers, vendors, and independent  
25 contractors, who, in the course of their work or volunteer activity  
26 with the park district, may:

27 (A) Have unsupervised access to children, persons with  
28 developmental disabilities, or vulnerable adults; or

29 (B) Be responsible for collecting or disbursing cash or  
30 processing credit/debit card transactions; and

31 (ii) Criminal background check conducted through a private  
32 organization of park district employees, applicants for employment,  
33 volunteers, vendors, and independent contractors, who, in the course  
34 of their work or volunteer activity with the park district, may have  
35 unsupervised access to children, persons with developmental  
36 disabilities, or vulnerable adults. A background check conducted  
37 through a private organization under this subsection is not required  
38 in addition to the requirement under (a)(i) of this subsection.

39 (b) The investigation under (a)(i) of this subsection shall  
40 consist of a background check as allowed through the Washington state

1 patrol criminal identification system under RCW 43.43.830 through  
2 43.43.834, the Washington state criminal records act under RCW  
3 10.97.030((7)) and 10.97.050, and ((through)) the federal bureau of  
4 investigation((, including a fingerprint check using a complete  
5 Washington state criminal identification fingerprint card)).

6 (c) The background checks conducted under (a)(i) of this  
7 subsection must be done through the Washington state patrol  
8 identification and criminal history section and may include a  
9 national check from the federal bureau of investigation, which shall  
10 be through the submission of fingerprints. The Washington state  
11 patrol shall serve as the sole source for receipt of fingerprint  
12 submissions and the responses to the submissions from the federal  
13 bureau of investigation, which must be disseminated to the  
14 metropolitan park district.

15 (d) The park district shall provide a copy of the record report  
16 to the employee, prospective employee, volunteer, vendor, or  
17 independent contractor.

18 (e) When necessary, as determined by the park district,  
19 prospective employees, volunteers, vendors, or independent  
20 contractors may be employed on a conditional basis pending completion  
21 of the investigation.

22 (f) If the employee, prospective employee, volunteer, vendor, or  
23 independent contractor has had a record check within the previous  
24 twelve months, the park district may waive the requirement upon  
25 receiving a copy of the record.

26 (g) For background checks conducted pursuant to (c) of this  
27 subsection, the metropolitan park district must transmit appropriate  
28 fees, as the Washington state patrol may require under RCW 10.97.100  
29 and 43.43.838, to the Washington state patrol, unless alternately  
30 arranged. The costs of investigations conducted under this subsection  
31 shall be borne by the park district, unless the park district's  
32 budget limits its ability to reasonably absorb such costs. If the  
33 park district cannot reasonably absorb the costs of such  
34 investigations, the park district may in its discretion require that  
35 the employee, prospective employee, volunteer, vendor, or independent  
36 contractor pay the costs associated with the record check. Any  
37 fingerprinting costs may be borne by the applicant, although an  
38 agency may agree to absorb those costs or reimburse the applicant for  
39 those costs upon hire.

1        (h) The authority for background checks outlined in this section  
2 is in addition to any other authority for such checks provided by  
3 law.

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