

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1620

Chapter 332, Laws of 2017

65th Legislature
2017 Regular Session

CRIMINAL HISTORY BACKGROUND CHECKS--LOCAL GOVERNMENT AUTHORITY

EFFECTIVE DATE: 7/23/2017

Passed by the House April 20, 2017
Yeas 72 Nays 24

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 19, 2017
Yeas 49 Nays 0

CYRUS HABIB

President of the Senate

Approved May 16, 2017 11:46 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1620** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 16, 2017

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1620

AS AMENDED BY THE SENATE

Passed Legislature - 2017 Regular Session

State of Washington **65th Legislature** **2017 Regular Session**

By Representatives Lovick, McDonald, Johnson, Hayes, Stonier, Griffey, McBride, Harris, Springer, Stambaugh, Gregerson, Appleton, Muri, and Haler

Read first time 01/25/17. Referred to Committee on Local Government.

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((~~τ~~)):

9 (a) By ordinance, require a state and federal background
10 investigation of license applicants or licensees in occupations
11 specified by ordinance ((for the purpose of receiving criminal
12 history record information by city or town officials)):

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

19 (c) Require a state criminal background investigation of city or
20 town employees, applicants for employment, volunteers, vendors, and
21 independent contractors, who, in the course of their work or

1 volunteer activity with the city or town, may have unsupervised
2 access to children, persons with developmental disabilities, or
3 vulnerable adults; and

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

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

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

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

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

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

36 (1) For the purpose of receiving criminal history record
37 information by code city officials, code cities may((τ)):

38 (a) By ordinance, require a state and federal background
39 investigation of license applicants or licensees in occupations

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

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

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

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

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

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

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

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

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

6 (1) For the purpose of receiving criminal history record
7 information by county officials, counties may((τ)):

8 (a) By ordinance, require a state and federal background
9 investigation of license applicants or licensees in occupations
10 specified by ordinance ((for the purpose of receiving criminal
11 history record information by county officials));

12 (b) By ordinance, require a federal background investigation of
13 county employees, applicants for employment, volunteers, vendors, and
14 independent contractors, who, in the course of their work or
15 volunteer activity with the county, may have unsupervised access to
16 children, persons with developmental disabilities, or vulnerable
17 adults;

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

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

29 (2) The investigation conducted under subsection (1)(a) through
30 (c) of this section shall consist of a background check as allowed
31 through the Washington state criminal records privacy act under RCW
32 10.97.050, the Washington state patrol criminal identification system
33 under RCW 43.43.832 through 43.43.834, and the federal bureau of
34 investigation. ((These))

35 (3) The background checks conducted under subsection (1)(a)
36 through (c) of this section must be done through the Washington state
37 patrol identification and criminal history section and may include a
38 national check from the federal bureau of investigation, which shall
39 be through the submission of fingerprints. The Washington state

1 patrol shall serve as the sole source for receipt of fingerprint
2 submissions and the responses to the submissions from the federal
3 bureau of investigation, which must be disseminated to the county.

4 (4) For a criminal background check conducted under subsection
5 (1)(a) through (c) of this section, the county shall transmit
6 appropriate fees for a state and national criminal history check to
7 the Washington state patrol, unless alternately arranged. The cost of
8 investigations conducted under this section shall be borne by the
9 county.

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

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

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

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

37 (3) The board of park commissioners shall have power to improve,
38 acquire, extend and maintain, open and lay out, parks, parkways,
39 boulevards, avenues, aviation landings and playgrounds, within or

1 without the park district, and to authorize, conduct and manage the
2 letting of boats, or other amusement apparatus, the operation of bath
3 houses, the purchase and sale of foodstuffs or other merchandise, the
4 giving of vocal or instrumental concerts or other entertainments, the
5 establishment and maintenance of aviation landings and playgrounds,
6 and generally the management and conduct of such forms of recreation
7 or business as it shall judge desirable or beneficial for the public,
8 or for the production of revenue for expenditure for park purposes;
9 and may pay out moneys for the maintenance and improvement of any
10 such parks, parkways, boulevards, avenues, aviation landings and
11 playgrounds as now exist, or may hereafter be acquired, within or
12 without the limits of said city and for the purchase of lands within
13 or without the limits of said city, whenever it deems the purchase to
14 be for the benefit of the public and for the interest of the park
15 district, and for the maintenance and improvement thereof and for all
16 expenses incidental to its duties: PROVIDED, That all parks,
17 boulevards, parkways, aviation landings and playgrounds shall be
18 subject to the police regulations of the city within whose limits
19 they lie.

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

25 (a) For the purpose of receiving criminal history record
26 information by metropolitan park districts, metropolitan park
27 districts:

28 (i) Shall establish by resolution the requirements for a state
29 and federal record check of park district employees, applicants for
30 employment, volunteers, vendors, and independent contractors, who, in
31 the course of their work or volunteer activity with the park
32 district, may:

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

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

37 (ii) May require a criminal background check conducted through a
38 private organization of park district employees, applicants for
39 employment, volunteers, vendors, and independent contractors, who, in
40 the course of their work or volunteer activity with the park

1 district, may have unsupervised access to children, persons with
2 developmental disabilities, or vulnerable adults. A background check
3 conducted through a private organization under this subsection is not
4 required in addition to the requirement under (a)(i) of this
5 subsection.

6 (b) The investigation under (a)(i) of this subsection shall
7 consist of a background check as allowed through the Washington state
8 patrol criminal identification system under RCW 43.43.830 through
9 43.43.834, the Washington state criminal records act under RCW
10 10.97.030((~~7~~)) and 10.97.050, and ((~~through~~)) the federal bureau of
11 investigation((~~, including a fingerprint check using a complete~~
12 Washington state criminal identification fingerprint card)).

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

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

25 (e) When necessary, as determined by the park district,
26 prospective employees, volunteers, vendors, or independent
27 contractors may be employed on a conditional basis pending completion
28 of the investigation.

29 (f) If the employee, prospective employee, volunteer, vendor, or
30 independent contractor has had a record check within the previous
31 twelve months, the park district may waive the requirement upon
32 receiving a copy of the record. ((The park district may in its
33 discretion require that the prospective employee, volunteer, or
34 independent contractor pay the costs associated with the record
35 check.))

36 (g) For background checks conducted pursuant to (c) of this
37 subsection, the metropolitan park district must transmit appropriate
38 fees, as the Washington state patrol may require under RCW 10.97.100
39 and 43.43.838, to the Washington state patrol, unless alternately
40 arranged.

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.

Passed by the House April 20, 2017.

Passed by the Senate April 19, 2017.

Approved by the Governor May 16, 2017.

Filed in Office of Secretary of State May 16, 2017.

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