

# SENATE BILL REPORT

## SB 5318

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As of January 29, 2025

**Title:** An act relating to fingerprint-based background checks.

**Brief Description:** Concerning fingerprint-based background checks.

**Sponsors:** Senators Kauffman, Nobles, Orwall and Wilson, C.; by request of Department of Social and Health Services.

**Brief History:**

**Committee Activity:** Human Services: 1/27/25.

### Brief Summary of Bill

- Requires certain applicants for positions with the Department of Social and Health Services and the Department of Children, Youth, and Families, and other persons, to submit fingerprint background checks conducted through both the Washington State Patrol (WSP) and the Federal Bureau of Investigation (FBI).
- Requires an applicant to submit fingerprints through both the WSP and the FBI when the applicant has resided in the state less than three years and is applying for employment by a transitional care facility or is applying for a job class series change at a residential habilitation center.
- Defines certain area administrators, long-term care workers, transitional care facility, entity representative, and unsupervised.

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### SENATE COMMITTEE ON HUMAN SERVICES

**Staff:** Alison Mendiola (786-7488)

**Background:** Criminal History Information. The Washington State Patrol (WSP) Criminal History Records Section is the central repository for criminal history record

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information (CHRI) for Washington. The CHRI consists of fingerprint-based records and disposition information submitted by law enforcement agencies and courts throughout the state. The WSP facilitates background checks for other agencies, employers, and the public.

Federal Bureau of Investigation (FBI) records are compiled from records received from local, state, federal, tribal, and international criminal justice agencies. The FBI must approve the state background check laws before it will grant access to its criminal history database.

Background Check Requirements. Persons with certain criminal history, pending charges, or history of other disqualifying negative action are disqualified from working in positions where they will have unsupervised access to children, juveniles, or vulnerable adults. A person must pass a fingerprint-based background check when applying to work in positions where they will have unsupervised access to children, juveniles, or vulnerable adults. For other persons, the Department of Social and Health Services (DSHS) and the Department of Children, Youth, and Families (DCYF) may require a fingerprint-based background check through both the WSP and the FBI, and must require a fingerprint-based check when a person has resided in the state less than three consecutive years and meets certain other criteria.

The categories of persons are specified for whom DSHS must require a fingerprint-based background check, including any individual who:

- has resided in the state less than three years and is applying for employment, promotion, reallocation, or transfer to a position that will, or may, require unsupervised access to vulnerable adults, children, or juveniles; is a contractor providing services funded by certain home and community long-term care programs; is authorized to provide services to persons with developmental disabilities; or is an employee of an area agency on aging or federally recognized Indian tribe, or an employee of a contractor for one of these entities, that may have unsupervised access to vulnerable adults, children, or juveniles;
- is an employee of certain secure facilities;
- is applying to be an adult family home licensee, entity representative, or resident manager;
- is applying to be an assisted living facility or enhanced services facility licensee or administrator;
- is applying to be a certified community residential services and supports provider or administrator; or
- has been categorized as a high-risk provider.

The categories of persons are specified for whom DCYF must require a fingerprint-based background check, including any individual who:

- is applying for a license to provide certain foster or maternity care services, or is an adult living in a home where a child is placed;

- is applying for employment or already employed at a group care facility, regardless of whether the applicant is working directly with children;
- is newly applying for a child care license, is newly licensed, is an employee of a child care agency that is newly licensed, or will newly have unsupervised access to children in child care; or
- has resided in the state less than three consecutive years before application and is applying for employment, promotion, reallocation, or transfer to a position that may require unsupervised access to children or juveniles; is a business or individual contracted to provide developmental disabilities services; or is a person age 16 or older who is residing with or under the care of an applicant or service provider providing foster care or other services.

DSHS and DCYF are to develop rules identifying the financial responsibility of service providers, applicants, and the respective department for paying the fees charged by law enforcement to roll, print, or scan fingerprints for a WSP or FBI fingerprint-based background check.

An entity representative means the individual designated by the entity provider or applicant who is the representative of the entity for fulfilling the training and qualification requirements of the state that only an individual can fulfill and an entity cannot; is responsible for overseeing the operation of the home; and does not hold the license on behalf of the entity.

**Summary of Bill:** To determine an applicant's character, competence, and suitability for working unsupervised as a DSHS or DCYF long-term care service provider, direct care worker, child placement provider, high-risk provider, residential habilitation center worker, transitional care facility worker, or a contracted home and community-based service provider, the applicant must be fingerprinted. Individuals over 16 years old living in homes of child placement or companion home providers must also be fingerprinted.

DSHS may require an applicant to submit fingerprints for investigating conviction records through the WSP at any time they apply for the listed positions or if there is new information regarding a pending charge, criminal conviction, or negative action.

An applicant or service provider must submit fingerprints through both the WSP and the FBI when the applicant or service provider has resided in the state less than three years and is:

- an individual 16 years old or older and resides in a certified residential companion home authorized by the Developmental Disabilities Administration to provide services to individuals with developmental disabilities;
- applying for employment by a transitional care facility; or
- applying for a job class series change at a residential habilitation center.

Definitions. An assisted living facility administrator means an administrator who must be in

active administrative charge of the assisted living facility. Unless exempt, the administrator must complete long-term care worker training and home care aide certification.

An enhanced services facility administrator means an administrator who must be in active administrative charge of the enhanced services facility. Unless exempt, the administrator must complete long-term care worker training and home care aide certification.

A certified community residential administrator means an individual who is responsible for or has control over daily operations of a certified community residential service provider, who may or will have unsupervised access to vulnerable adults in a certified community residential service setting, whether or not they provide direct care to vulnerable adults. An individual who is responsible for or has control over daily operations of a certified community residential service provider includes any person who oversees aspects of staffing, such as recruitment, staff training, or performance reviews; develops and maintains policies and procedures that give staff direction to provide appropriate services and supports; or maintains and securely stores client, personnel, or financial records.

Entity representative means the individual designated by an entity provider or entity applicant as its representative for fulfilling the training and qualification requirements that only an individual can fulfill where an entity cannot. The entity representative is responsible for overseeing the operation of the home. The entity representative does not hold the license on behalf of the entity.

Long-term care workers include all persons who provide paid, hands-on personal care services for the elderly or persons with disabilities, including but not limited to individual providers of home care services; direct care workers employed by home care agencies or a consumer directed employer; providers of home care services to persons with developmental disabilities; all direct care workers in state-licensed assisted living facilities, enhanced services facilities, and adult family homes; respite care providers; direct care workers employed by community residential service businesses; and any other direct care worker providing home or community-based services to the elderly or persons with functional disabilities or developmental disabilities.

Transitional care facility means the staff secure and voluntary facility offering specialized treatment and habilitative interventions for eligible youth. A transitional care facility is a state-operated residential treatment facility for children with developmental disabilities.

Unsupervised means not in the presence of another employee or volunteer from the same business or organization as the applicant; or any relative or guardian of any of the children or persons with developmental disabilities or vulnerable adults to which the applicant has access while they are employed or involved with the business or organization.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

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