

***Children & Family Services  
Committee***

***ESSB 5606***

***Brief Description:*** *Regarding background checks.*

***Sponsors:*** *By Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles and Long; by request of Department of Social and Health Services).*

***Brief Summary of Engrossed Substitute Bill***

- *Establishes the Legislature's intent to require background check investigations to be conducted on all current Department of Social and Health Services employees and applicants for a state position who will or may have unsupervised access to persons under 18 years, persons under 21 years confined under the Juvenile Rehabilitation Administration, or vulnerable adults.*
- *Authorizes the State School for the Deaf and the State School for the Blind to conduct pre-employment, fingerprint-based Washington State Patrol and Federal Bureau of Investigation records checks for positions involving regularly scheduled unsupervised access to children.*

***Hearing Date:*** *3/26/01*

***Staff:*** *Tracey Taylor (786-7196).*

***Background:***

*Criminal history checks for felony convictions are required for many state employees who have direct supervision of a vulnerable population as well as for state agency contractors and their employees, and state agency licensees and their employees if there will be unsupervised access to a vulnerable population. This population includes children, the elderly, and the developmentally disabled. Usually the criminal history check is performed on an applicant prior to hiring or licensing. The criminal history check is performed by the Washington State Patrol and, in some instances, through the Federal Bureau of*

**Investigation.**

*Currently, employees of the Department of Social and Health Services (DSHS) who have unsupervised access to a vulnerable population may not be required to have a background check. Last year, the legislature required service providers outside of the department to undergo such a check if there was the possibility for unsupervised access to a vulnerable adult, child, or person with a developmental disability. Only persons being considered for department positions that will be directly responsible for the supervision, care, or treatment of children and the developmentally disabled undergo a background investigation.*

*Additionally, current law prevents a felony conviction more than 10 years old from being the sole basis for disqualifying a person from employment by the state, one of its subdivisions, or agencies, such as the DSHS. However, in 1993, the Legislature provided an exception to this rule in the issuance of teaching certificates and in employment by school districts, educational service districts, and their contractors. Teaching certificates and employment by schools districts, educational services districts, and their contractors may be denied if an applicant has a guilty plea or conviction involving the sexual exploitation of a minor, a sexual offense involving a minor, or promoting the prostitution of a minor, even if the conviction is over 10 years old.*

**Summary of Bill:**

*It is the intent of the Legislature that DSHS investigates current and future employees to the same extent as providers and contractors receiving state dollars if the person will or may have unsupervised access to persons under the age of 18, persons under the age of 21 who are confined under the Juvenile Rehabilitation Administration, or vulnerable persons.*

*DSHS must work with the Department of Personnel to develop the procedures and rules for conducting a background check. The procedures developed must include the specific actions to be taken against a current employee who is disqualified from his or her position by his or her criminal history. Checks on current employees must not be conducted until one year after the effective date of this act.*

*DSHS is allowed to disqualify applicants for employment based on any felony conviction, even if it is over 10 years old, so long as the position being sought involves unsupervised access to persons under the age of 18, persons under the age of 21 under confinement by the Juvenile Rehabilitation Administration, or a vulnerable person.*

*The State School for the Deaf and the State School for the Blind must conduct a pre-employment, fingerprint based WSP and an FBI records check for positions involving regularly scheduled unsupervised access to children. The school may employ an applicant on a conditional basis pending the completion of the check. The requirement may be waived by the school for persons who have had a check within the previous 2 years. Rule-making authority is granted to the schools to implement this act.*

**Appropriation:** None.

**Fiscal Note:** Available.

***Effective Date:*** *The bill contains an emergency clause and takes effect immediately.*