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ENGROSSED SUBSTITUTE HOUSE BILL 2556

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State of Washington

58th Legislature

2004 Regular Session

**By** House Committee on Criminal Justice & Corrections (originally sponsored by Representatives O'Brien, Kagi, Carrell, Upthegrove, Miloscia, Lovick and Moeller)

READ FIRST TIME 02/05/04.

1 AN ACT Relating to studying criminal background check processes;  
2 creating new sections; and providing an expiration date.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that criminal history  
5 record information background checks for employment purposes are  
6 rapidly increasing in Washington state. While the demand for criminal  
7 history record information background checks is growing, the existing  
8 criminal history record information background check data transmission  
9 infrastructure and processes are not adequate to keep pace with the  
10 growing demand. Furthermore, employers are concerned with the current  
11 system's ability to quickly secure results. Without adequate data  
12 transmission infrastructure and processes to encourage efficient  
13 criminal history record information background checks and to receive  
14 results quickly, a public safety risk is created. This is especially  
15 true when new or prospective employees will be working with children.  
16 The legislature has learned that some states have recently  
17 developed comprehensive criminal history record information background  
18 check programs. These programs focus on making criminal history record

1 information background checks easily accessible to employers and  
2 prospective employees and have eliminated long response times.

3 NEW SECTION. **Sec. 2.** (1) A joint task force on criminal  
4 background check processes is established. The joint task force shall  
5 consist of the following members:

6 (a) Two members from each of the two largest caucuses of the  
7 senate, appointed by the president of the senate; at least one member  
8 from each caucus shall be a member of the senate children and family  
9 services and corrections committee;

10 (b) Two members from each of the two largest caucuses of the house  
11 of representatives, appointed by the speaker of the house of  
12 representatives; at least one member from each caucus shall be a member  
13 of the house criminal justice and corrections committee;

14 (c) The chief of the Washington state patrol, or the chief's  
15 designee;

16 (d) The secretary of the department of social and health services,  
17 or the secretary's designee;

18 (e) The state superintendent of public instruction, or the  
19 superintendent's designee;

20 (f) An elected sheriff or police chief, selected by the Washington  
21 association of sheriffs and police chiefs; and

22 (g) The following seven members, jointly appointed by the speaker  
23 of the house of representatives and the president of the senate:

24 (i) A representative from a nonprofit service organization that  
25 serves primarily children under sixteen years of age;

26 (ii) A health care provider as defined in RCW 7.70.020;

27 (iii) A representative from a business or organization that serves  
28 primarily developmentally disabled persons or vulnerable adults;

29 (iv) A representative from a local youth athletic association;

30 (v) A representative from the insurance industry; and

31 (vi) Two representatives from a local parks and recreation program;  
32 one member shall be selected by the association of Washington cities  
33 and one member shall be selected by the Washington association of  
34 counties.

35 (2) The task force shall choose two cochairs from among its  
36 membership.

1 (3) The task force shall review and make recommendations to the  
2 legislature and the governor regarding the criminal background check  
3 process. In preparing the recommendations, the committee shall, at a  
4 minimum, review the following issues:

5 (a) What state and federal statutes require regarding criminal  
6 background checks;

7 (b) What criminal offenses are currently reportable through the  
8 criminal background check program;

9 (c) What information is available through the Washington state  
10 patrol and the federal bureau of investigation criminal background  
11 check systems;

12 (d) What are the best practices among organizations for obtaining  
13 criminal background checks on their employees and volunteers;

14 (e) What is the feasibility and costs for businesses and  
15 organizations to do periodic background checks;

16 (f) What is the feasibility of requiring all businesses and  
17 organizations, including nonprofit entities, to conduct criminal  
18 background checks for all employees, contractors, agents, and  
19 volunteers who have regularly scheduled supervised or unsupervised  
20 access to children, developmentally disabled persons, or vulnerable  
21 adults; and

22 (g) A review of the benefits and obstacles of implementing a  
23 criminal history record information background check program created by  
24 the national child protection act of 1993. The national child  
25 protection act of 1993 increases the availability of criminal history  
26 record information background checks for employers who have employees  
27 or volunteers who work with children, elderly persons, or persons with  
28 disabilities.

29 (4) The task force, where feasible, may consult with individuals  
30 from the public and private sector.

31 (5) The task force shall use legislative facilities and staff from  
32 senate committee services and the house office of program research.

33 NEW SECTION. **Sec. 3.** (1) In consultation with the Washington  
34 state patrol, the Washington association of sheriffs and police chiefs  
35 shall conduct a study on criminal history record information background  
36 check technology and process. The study shall focus on how Washington  
37 state can reduce delays in the criminal history record information

1 background check processing time and how Washington state can make  
2 criminal history record information background checks more accessible  
3 and efficient.

4 (2) The study shall include, but is not limited to:

5 (a) A review and analysis of the criminal history record  
6 information background check programs in states that have recently  
7 implemented or are soon to implement comprehensive criminal history  
8 record information background check programs;

9 (b) Recommendations on how a comprehensive criminal history record  
10 information background check program should be designed in Washington  
11 state, and how much a comprehensive program would cost to implement in  
12 Washington state;

13 (c) A review of how a comprehensive criminal history record  
14 information background check program could be paid for in Washington  
15 state, which includes a determination on whether the program could be  
16 funded solely by user fees.

17 NEW SECTION. **Sec. 4.** (1) The findings and recommendations from  
18 the Washington association of sheriffs and police chiefs shall be  
19 presented to the joint task force no later than November 30, 2004.

20 (2) The joint task force on criminal background check processes  
21 shall report its findings and recommendations to the legislature by  
22 December 31, 2004.

23 NEW SECTION. **Sec. 5.** This act expires January 31, 2005.

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