

FINAL BILL REPORT

SB 5439

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Synopsis as Enacted

Brief Description: Authorizing background checks on gubernatorial appointees.

Sponsors: Senators Roach, Swecker, Delvin, Sheldon, Parlette, Kohl-Welles and McCaslin; by request of Washington State Patrol.

Senate Committee on Government Operations & Elections

House Committee on State Government Operations & Accountability

Background: Procedures for confirmation of gubernatorial appointments require the Governor to transmit pertinent information about a prospective appointee to the Secretary of the Senate.

In respect to information that could be pertinent regarding criminal activity, only information relating to criminal conviction in Washington State is currently available to the Governor for background checks on prospective gubernatorial appointees. Additional information that is potentially available includes the entire scope of "criminal history record information," which encompasses both information relating to formal criminal charges and their disposition and information relating to incidents that did not result in conviction or other adverse disposition. This information is available only to criminal justice agencies.

Summary: When requested by the Governor or the Director of the Department of Personnel regarding gubernatorial appointments of agency heads, the Washington State Patrol must check nonconviction criminal history fingerprint records itself and through the Federal Bureau of Investigation. Agency heads are those individuals or bodies who are vested by law with the ultimate legal authority of an agency.

An appointment may be conditional, pending completion of the check. The Governor and the Department of Personnel must maintain the confidentiality of the information obtained.

Votes on Final Passage:

Senate	43	2
House	97	0

Effective: June 7, 2006