

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1681

Chapter 452, Laws of 2005

59th Legislature
2005 Regular Session

CRIMINAL BACKGROUND CHECK PROCESSES--TASK FORCE

EFFECTIVE DATE: 5/13/05

Passed by the House April 18, 2005
Yeas 95 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 11, 2005
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved May 13, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1681** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 13, 2005 - 3:01 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1681

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives B. Sullivan, Darneille, Chase, Appleton, Upthegrove and Lovick)

READ FIRST TIME 02/25/05.

1 AN ACT Relating to the joint task force on criminal background
2 check processes; reenacting and amending 2004 c 41 s 2 (uncodified);
3 providing an expiration date; and declaring an emergency.

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

5 **Sec. 1.** 2004 c 41 s 2 (uncodified) is reenacted and amended to
6 read as follows:

7 (1) A joint task force on criminal background check processes is
8 established. The joint task force shall consist of the following
9 members:

10 (a) One member from each of the two largest caucuses of the senate,
11 appointed by the president of the senate;

12 (b) One member from each of the two largest caucuses of the house
13 of representatives, appointed by the speaker of the house of
14 representatives;

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

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

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

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

5 (g) The following (~~seven~~) eleven members, jointly appointed by
6 the speaker of the house of representatives and the president of the
7 senate:

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

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

11 (iii) A representative from a business or organization that
12 primarily serves persons with a developmental disability (~~or~~
13 ~~vulnerable adults~~));

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

15 (v) A representative from the insurance industry; (~~and~~)

16 (vi) Two representatives from a local parks and recreation program;
17 one member shall be selected by the association of Washington cities
18 and one member shall be selected by the Washington association of
19 counties;

20 (vii) A representative from a for-profit entity that primarily
21 serves children;

22 (viii) A representative from a business or organization that
23 primarily serves vulnerable adults;

24 (ix) A representative selected by the state's long-term care
25 ombudsman; and

26 (x) As a nonvoting ex officio member, a representative of an
27 organization that serves as a clearinghouse for other nonprofit
28 organizations in the state and that recruits volunteers and trains
29 nonprofit boards of directors.

30 (2) The task force shall choose two cochairs from among its
31 membership.

32 (3) The task force shall review and make recommendations to the
33 legislature and the governor regarding criminal background check policy
34 in Washington state. In preparing the recommendations, the committee
35 shall, at a minimum, review the following issues:

36 (a) What state and federal statutes require regarding criminal
37 background checks, and determine whether any changes should be made;

1 (b) What criminal offenses are currently reportable through the
2 criminal background check program, and determine whether any changes
3 should be made;

4 (c) What information is available through the Washington state
5 patrol and the federal bureau of investigation criminal background
6 check systems, and determine whether any changes should be made;

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

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

11 (f) What is the feasibility of requiring all businesses and
12 organizations, including nonprofit entities, to conduct criminal
13 background checks for all employees, contractors, agents, and
14 volunteers who have regularly scheduled supervised or unsupervised
15 access to children, persons with a developmental disability, or
16 vulnerable adults; ((and))

17 (g) What is the feasibility of establishing a state registration
18 program for private youth sports coaches under which some or all of
19 such persons are required to obtain and disclose to prospective clients
20 and employers a copy of the results of their fingerprint-based criminal
21 background checks;

22 (h) A review of the practices of the department of social and
23 health services with respect to checking the backgrounds of its
24 employees, applicants for employment, and candidates for promotion; and

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

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

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

36 (6) The task force shall report its findings and recommendations to
37 the legislature by December 31, ((2004)) 2005.

1 NEW SECTION. **Sec. 2.** This act expires January 31, 2006.

2 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
3 preservation of the public peace, health, or safety, or support of the
4 state government and its existing public institutions, and takes effect
5 immediately.

 Passed by the House April 18, 2005.

 Passed by the Senate April 11, 2005.

 Approved by the Governor May 13, 2005.

 Filed in Office of Secretary of State May 13, 2005.