

RCW 43.43.8325 Background checks—National crime prevention and privacy compact. (1) In order to facilitate the authorized interstate exchange of criminal history information for noncriminal justice purposes of background checks for the licensing and screening of employees and volunteers under the national child protection act of 1993, as amended, 34 U.S.C. Sec. 40102, and to implement the national crime prevention and privacy compact, 34 U.S.C. Sec. 40316, the Washington state patrol shall execute the compact on behalf of the state.

(2) The Washington state patrol is the repository of criminal history records for purposes of the compact and shall do all things necessary or incidental to carrying out the compact.

(3) The chief, or the chief's designee, is the state's compact officer and shall administer the compact within the state. The Washington state patrol may establish procedures for the cooperative exchange of criminal history records between the state and federal government for use in noncriminal justice cases.

(4) The state's ratification of the compact remains in effect until legislation is enacted which specifically renounces the compact.

(5) Authorized qualified entities and federally recognized tribes are authorized to conduct a state and national fingerprint-based criminal history record check on applicants and covered individuals for noncriminal justice purposes for any employment, licensing, or volunteering purpose which provides care to children, the elderly, or individuals with disabilities.

(6) Fingerprints must be searched by the Washington state patrol prior to being forwarded to the federal bureau of investigation for a national search.

(7) In order to participate in this program:

(a) Qualified entities and federally recognized tribes must notify the applicant or covered individual that:

(i) They have the right to obtain a copy of their own state and federal criminal history record from the qualified entity or federally recognized tribe that conducted the fingerprint check within a specified amount of time determined by the qualified entity or federally recognized tribe;

(ii) They have the right to appeal the results of the criminal history record to challenge the accuracy or completion of information in the criminal history record.

(b) Qualified entities and federally recognized tribes are obligated to:

(i) Seek approval from the Washington state patrol before submitting a request for screening under this section;

(ii) Submit fingerprints on each applicant and covered individual when requesting criminal history record information under this section;

(iii) Maintain a signed waiver for each applicant and covered individual allowing the release of the state and national criminal history record information to the qualified entity or federally recognized tribe;

(iv) Ensure the applicant or covered individual is provided notification that the results of the state and federal criminal history records check are handled in a manner that protects the applicant or covered individual's privacy;

(v) Provide applicants and covered individuals the opportunity to challenge the accuracy of the information in the state and federal

bureau of investigation's criminal history record, if one exists, if using the record to make a determination of the applicant or covered individual's suitability for employment, licensing, or volunteering purposes;

(vi) Advise the applicant or covered individual the procedures for obtaining a change, correction, or updating the federal criminal history record are set forth under 28 C.F.R. Sec. 16.34; and

(vii) Use the state and federal criminal history record information only for the purpose of screening employees, contractor[s], and volunteers or persons applying to be an employee, contractor, or volunteer with a qualified entity or federally recognized tribe.

(8) Qualified entities or federally recognized tribes must not deny employment, licenses, or volunteer positions based on information in the criminal history record until the applicant or covered individual has been afforded a reasonable time to correct or complete the record or has declined to do so.

(9) The Washington state patrol shall by rule establish fees for submission of fingerprints from and dissemination of records to qualified entities or federally recognized tribes under this section. The revenue from the fees shall cover, as nearly as practicable, the direct and indirect costs to the Washington state patrol of processing the submissions and disseminating the records. The cost of record checks must also include the fee the federal bureau of investigation charges for the criminal history background checks.

(10) A qualified entity or federally recognized tribe is not liable for damages solely for failing to obtain the information authorized under this section with respect to an employee, contractor, or volunteer. The state, any political subdivision of the state, or any agency, officer, or employee of the state or a political subdivision is not liable for damages for providing information requested under this section.

(11) The Washington state patrol has authority to adopt rules to implement this section. [2025 c 60 s 2.]