

Criminal Background Check Reform Related to Employment, Licensing & Volunteers authorized by Oregon State Police

(ORS 181.533, 181.534 or 267.237)

Historical Related Legislation

2012 [HB 4091](#) Passed - Directed the Department of Administrative Services (DAS) to convene a workgroup to consider criminal background “checks” as a single state-wide system and evaluate for any potential improvements in:

- Timeliness of verification
- Cost
- Duplication of clearance

[HB 4091: Workgroup Report](#) – The report issued, in November 2012, includes a description of the workgroup that was formed, the approach taken, and presents the background, determinations and recommendations for next actions.

2013 **Based on the report and recommendations of the HB 4091 workgroup the following bills were drafted, three of which passed:**

[HB 3330](#): Passed - Requires entities that (not related to the administration of the criminal justice system) “use electronic fingerprint capture technology to take and submit a person’s fingerprints for purposes of conducting criminal background checks under ORS 181.533, 181.534 or 267.237 or for any other purpose authorized by law” as of January 1, 2014. Provided the ability for Oregon State Police (OSP) to adopt by rule exemptions to the requirement. It also requires DAS to develop a standard contract for the provision of electronic fingerprint capture and submission while also allowing agencies to purchase and use their own devices. Also required these same agencies to conduct a study related to their criminal background checks process and report the results of the study to the Legislative Assembly on or before October 1, 2014.

[HB 3331](#) Passed - Requires OSP to establish a Voluntary Central Criminal Records Check Registry (VCCRC) to register people who have no criminal history thus allowing agencies who opt in to the registry to check the registry in lieu of completing a new check. The registry would have an annual recheck. The process and any fees associated with administration of the Registry are subject to the rule making process.

[HB 3168](#) Passed - Requires DAS, in consultation with OSP, to adopt rules specifying “Categories of individuals” for use in fitness determinations for those who conduct fitness determinations under ORS 181.533 (4)(a) and 181.534 (11); or (B) and under ORS 181.537 (10)(c). Allows the sharing of results of previously made fitness determinations. The specifics of the categories and fitness determination usage subject to future work in the rule making process.

[HB 2828](#) Failed - Would have required OSP to convene a workgroup to develop recommendations for retention of fingerprint information for purpose of notifying authorized agencies or other entities that conduct criminal records checks of receipt of fingerprints or other identifying information by the department for purposes related to administration of criminal justice.

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Historical Related Legislation Cont.

2014

The [Criminal Background Legislation Report](#) required by HB 3330 was provided before the House Interim Committee on Consumer Protection and Government Efficiency on 9/17/2014.

The statewide electronic fingerprint capture procurement required by HB 3330 opened for contractors in February 2014, was awarded in April 2014 and was finalized in July 2014.

The registry required by HB 3331 has been created and statewide implementation is currently in progress.

Implementation of HB 3168 kicked off on November 7, 2014 and continues in progress.

Current Related Legislation

2015

[HB 2250](#) - Clarifies state electronic fingerprint capture requirements in ORS 181.516 (HB 3330 from the 2013 session) and continues the process of moving background and criminal records check rule-making authority to DAS (HB3168 from the 2013 session) by:

- Laying out uniform rules for fitness determinations completed by state of Oregon agencies (authorized in ORS 181.533 or 181.534) and districts (authorized in ORS 267.234)
- Clarifying references relating to DAS establishing rules around background checks
- Conforming multiple ORS to changes from ORS 181.547
- Repealing ORS 326.606
- Allows OSP to delegate processing of fitness determinations from various agencies participating in the Clearinghouse to the Department of Human Services (DHS).
- Amends ORS 181.516, 181.525, 181.533, 181.534, 181.537, 181.547, 181.612, 242.550, 267.237, 326.603, 326.604, 329A.270, 329A.300, 329A.330, 329A.370, 329A.390, 336.631, 338.115, 339.388, 342.143, 342.175, 342.865, 345.030, 443.004 and 443.735; repeals ORS 326.606

[HB 2228](#) - Requires OSP to establish voluntary program through which department retains fingerprint cards or creates facsimiles of fingerprints received from Federal Bureau of Investigation, or created during state criminal records check, for purpose of notifying agencies and districts that subscribe to program of receipt of fingerprints or other identifying information by department for reasons related to administration of criminal justice. This legislation allows for the development and implementation of a system referred to as a Rap-back system. Rap-back is a continuous evaluation of a subject individual's criminal history. Instead of performing new and repeated criminal records checks, the interested agency will receive near-immediate notification of new criminal activity.

- Makes agency use of the System voluntary
- Makes subject individual participation in the System voluntary
- Reduces administrative burden of running criminal records checks and may increase safety by providing results more quickly
- System development funded by a grant from the Centers of Medicaid and Medicare Services