

A-Engrossed
Senate Bill 690

Ordered by the Senate April 28
Including Senate Amendments dated April 28

Sponsored by Senators DEMBROW, FREDERICK, Representative PARRISH; Senator MANNING JR

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes procedures for [*applying for Certificate of Good Standing eligibility certification and for*] petitioning for and issuing Certificate of Good Standing.

Requires district attorney to notify court when person with certificate is convicted of new crime other than Class C misdemeanor. Creates violation offense if person knowingly presents revoked or invalid certificate. Punishes by maximum of \$1,000 fine.

Provides that in certain negligence actions valid certificate creates rebuttable presumption that employer was not negligent.

A BILL FOR AN ACT

1
2 Relating to Certificates of Good Standing.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section, unless the context requires otherwise:**

5 (a) **"Petition" means a petition for a Certificate of Good Standing.**

6 (b) **"Petitioner" means a person who files a petition.**

7 (c) **"Supervisory authority" means the state or local corrections agency supervising per-**
8 **sons on probation, post-prison supervision or parole.**

9 (2)(a) **A person who has been convicted of a felony or a Class A misdemeanor may peti-**
10 **tion the court for a Certificate of Good Standing as provided in this section.**

11 (b) **If the person is under the supervision of a supervisory authority, prior to filing the**
12 **petition the person shall request from the supervisory authority a written statement certi-**
13 **fying that the person has successfully completed probation, post-prison supervision or parole**
14 **and is eligible for a Certificate of Good Standing under this section. The request for certi-**
15 **fication shall be in writing on a form provided by the Department of Corrections.**

16 (3)(a) **A person shall file a petition using a form provided by the State Court Adminis-**
17 **trator, in the circuit court of the county in which the petitioner resides. In the application,**
18 **the person shall certify that the person satisfies the requirements described in subsection**
19 **(6) of this section and is eligible for the Certificate of Good Standing.**

20 (b) **If the person is under the supervision of a supervisory authority, the person shall**
21 **attach to the petition the certification from the supervisory authority described in sub-**
22 **section (2)(b) of this section.**

23 (c) **In addition to the petition, the person may file with the court any other documents**
24 **or written material supporting the issuance of a Certificate of Good Standing.**

25 (d) **No filing fees or court fees may be required when filing a petition under this section.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **(4)(a) At the time of filing, the petitioner shall serve a copy of the petition on the district**
2 **attorney of the county in which the person resides.**

3 **(b) Within 30 days of receiving a copy of the petition, the district attorney may:**

4 **(A) File a written statement in the circuit court in support of the petition; or**

5 **(B) File a written objection to the issuance of a Certificate of Good Standing only on the**
6 **grounds that the petitioner does not satisfy the requirements described in subsection (6) of**
7 **this section, and may support the objection by submitting documents and other written ma-**
8 **terials.**

9 **(5) When determining whether to issue a Certificate of Good Standing to the petitioner,**
10 **the court shall review only the documents or other material submitted by the petitioner in**
11 **support of the petition and any documents or other material submitted by the district at-**
12 **torney.**

13 **(6)(a) The court may issue a Certificate of Good Standing to the petitioner if the court**
14 **determines, by a preponderance of the evidence, that:**

15 **(A) The petitioner meets the criminal history eligibility requirements described in sub-**
16 **section (2) of this section;**

17 **(B) The petitioner has complied with all requirements of the petitioner's sentence, in-**
18 **cluding conditions of probation and any required drug or alcohol treatment, batterers'**
19 **intervention, sex offender treatment, anger management or educational programs;**

20 **(C) The petitioner has satisfied all court-ordered financial obligations or is current on a**
21 **payment plan ordered by the court or a third party as authorized by the Judicial Department;**

22 **(D) At least one year has elapsed since the petitioner has completed all requirements of**
23 **the petitioner's sentence;**

24 **(E) The petitioner is not in violation of the conditions of any criminal sentence;**

25 **(F) There are no criminal charges pending against the petitioner; and**

26 **(G) The petitioner is engaged in, or seeking to engage in, a lawful occupation or activity,**
27 **including but not limited to employment, training, education or rehabilitative programs, or**
28 **the person has a lawful source of support.**

29 **(b) The court may make the determination described in paragraph (a) of this subsection**
30 **without holding a hearing if the district attorney does not file an objection to the issuance**
31 **of the Certificate of Good Standing.**

32 **(7)(a) If the court issues the Certificate of Good Standing as described in this section, the**
33 **clerk of the court shall immediately provide notice of the issuance of the certificate to the**
34 **Department of State Police and other agencies as directed by the court.**

35 **(b) Upon receiving notice of the issuance of the Certificate of Good Standing, the De-**
36 **partment of State Police shall:**

37 **(A) Enter the existence of the certificate into the Law Enforcement Data System main-**
38 **tained by the Department of State Police and the databases of the National Crime Informa-**
39 **tion Center of the United States Department of Justice; and**

40 **(B) Ensure that the results of any criminal records check performed by the Department**
41 **of State Police concerning the person who is the subject of a Certificate of Good Standing**
42 **include the existence of a valid certificate.**

43 **(8)(a) If the court denies issuance of a Certificate of Good Standing, the court shall state**
44 **the reasons for the denial on the record and shall include the reasons in a written order**
45 **denying the petition.**

1 **(b) A petitioner may file a new application and petition no less than six months after the**
2 **denial of a previous petition and shall, in the new petition, demonstrate that the petitioner**
3 **has remedied or addressed the reasons for the denial of the previous petition and has met**
4 **any conditions set by the court.**

5 **(9)(a) A court that issued a Certificate of Good Standing shall revoke the certificate if**
6 **the person who is the subject of the certificate is subsequently convicted of a felony or a**
7 **Class A or Class B misdemeanor or is found to have made any material misrepresentation**
8 **in the petition.**

9 **(b) A district attorney in a proceeding in which a person with a Certificate of Good**
10 **Standing is convicted of a felony or a Class A or Class B misdemeanor shall notify the court**
11 **where the certificate was issued of the conviction.**

12 **(c) The court may hold a hearing on the revocation, and the district attorney who re-**
13 **ceived a copy of the original petition under subsection (4) of this section may appear and be**
14 **heard at the revocation hearing.**

15 **(d) The clerk of the court shall immediately provide notice of the revocation of the cer-**
16 **tificate, in the form of a court order, to the Department of State Police and other agencies**
17 **as directed by the court.**

18 **(e) Upon receiving notice of the revocation of the Certificate of Good Standing, the De-**
19 **partment of State Police shall:**

20 **(A) Enter the revocation of the certificate into the Law Enforcement Data System**
21 **maintained by the Department of State Police and the databases of the National Crime In-**
22 **formation Center of the United States Department of Justice; and**

23 **(B) Ensure that the results of any criminal records check performed by the Department**
24 **of State Police concerning the person who is the subject of the revoked Certificate of Good**
25 **Standing accurately reflect the status of the certificate.**

26 **(f) Any person who knowingly presents, or attempts to present, a revoked or otherwise**
27 **invalid Certificate of Good Standing as a valid certificate commits a violation.**

28 **(10) The clerk of the circuit court of each county shall make available the petition forms**
29 **described in subsection (3)(a) of this section without charge.**

30 **(11) A district attorney may not condition a plea offer on future eligibility or ineligibility**
31 **for a Certificate of Good Standing.**

32 **SECTION 2. In a claim for negligent hiring of an employee, there shall be a rebuttable**
33 **presumption that the employer was not negligent if the employer had notice at the time of**
34 **the hiring that the employee was the subject of a valid Certificate of Good Standing as de-**
35 **scribed in section 1 of this 2017 Act.**

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