

**SB 725 B STAFF MEASURE SUMMARY**

Carrier: Rep. Piluso

**House Committee On Judiciary****Action Date:** 05/21/19**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 10-0-1-0**Yeas:** 10 - Barker, Bynum, Greenlick, Lewis, McLane, Piluso, Power, Sprenger, Stark, Williamson**Exc:** 1 - Gorsek**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Gillian Fischer, Counsel**Meeting Dates:** 5/14, 5/21**WHAT THE MEASURE DOES:**

Requires Department of Human Services (DHS) to inform a qualified entity requesting a criminal records check to evaluate the fitness of an employee, contractor, or volunteer if the employee, contractor, or volunteer has a conviction or pending indictment for certain crimes that would prohibit their employment in positions dealing with vulnerable populations. Specifies certain convictions that may not be considered in fitness determinations. Prohibits the Oregon Health Authority or DHS from conducting a criminal records check more than once in every two-year period on certain employees. Provides specific prohibitions for individuals operating child care agencies or who are foster or adoptive parents. Excludes certain individuals prohibited by federal law from the activity for which the fitness determination is requested from listed fitness determination entitlements. Excludes individuals convicted of certain crimes from employment in any capacity that involves contact with a recipient of support services or a resident of a residential facility or adult foster home. Creates exception to provisions added by the measure for certain employees hired prior to July 28, 2009. Takes effect on 91st day following adjournment sine die.

**ISSUES DISCUSSED:**

- Current statute deters qualified candidates
- Intention to provide certainty for current employees and applicants
- Consistency in standards
- Provides exceptions for certain federally governed positions

**EFFECT OF AMENDMENT:**

Excludes certain individuals prohibited by federal law from the activity for which the fitness determination is requested from listed fitness determination entitlements. Excludes individuals convicted of certain crimes from employment in any capacity that involves contact with a recipient of support services or a resident of a residential facility or adult foster home.

**BACKGROUND:**

The Department of Human Services (DHS) is currently charged with making fitness determinations on persons under consideration for employment by entities that provide care or placement services, or licenses or certifies others to provide care or placement services for children, elders, and dependent persons. DHS is not currently required to notify an entity requesting background checks if an individual has convictions for crimes listed in ORS 443.004. If the person has a conviction or pending indictment for a listed crime, the person cannot be employed in a way that would put them into contact with vulnerable populations or facilities housing them. If a person has a conviction for crimes not specifically listed in ORS 443.004, DHS performs a fitness determination and may consider previous criminal convictions.

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Senate Bill 725 B prohibits DHS from considering criminal convictions that are more than 10 years old, arrests without conviction, certain marijuana offenses, and participation in deferred sentences or diversion programs. It also prohibits DHS from considering a conviction for Driving Under the Influence of Intoxicants if it is a single conviction and over five years have passed since the conviction.