



Oregon District Attorneys Association, Inc.

**TO: Sen. Michael Dembrow, Chair
Rep. Suzanne Weber, Vice Chair
Members of Senate Education Committee**

**FR: Scott Healy
Oregon District Attorneys Association**

RE: SB 1552 --1 Amendment Section 44 Oppose

DATE: February 8, 2024

Chair Dembrow and Members of the Senate Education Committee:

ODAA writes with concerns specific to Section 44 of the -1 Amendment (Section 40 of the base bill).

Section 44 of the – 1 Amendment indicates that prior to beginning an education, a training, or an apprenticeship program for an occupational or professional license, a person who has a previous criminal conviction or qualifying juvenile adjudication for Murder 1, Murder 2, Rape 1, Sodomy 1, Sex Abuse 1, and/or Assault 1, can petition the Education for Occupational or Professional License board, commission or agency for the requisite profession in advance of starting the program.

The purpose of this petition would be to request a preliminary decision from the board regarding the person’s eligibility to obtain the required license for the profession. SB 1552 Section 44 also indicates this preliminary decision would be binding on the board, unless the applicant had not provided certain detailed information as part of the process, such as allegations or charges pending in juvenile or criminal court, a failure to disclose previous convictions or qualifying juvenile adjudications, or having been convicted of a crime since the application, etc.

While we support the intent of Section 44, ODAA continues to have concerns about how a thorough review, assessment, and decision is going to be thoroughly and properly completed based on the review of serious and aggravated conduct, especially when it involves criminal conduct sealed by the Court in a juvenile case. The resources and expertise to adequately complete some of these important inquiries would need to be significant.

These decisions could include the licensing of doctors, lawyers, financial advisors, teachers, psychologists, counselors, massage therapists, daycare providers, and other professions of trust that work with children, the elderly, or other vulnerable populations in our society. As a result, these are decisions that licensing boards need the requisite information, resources and expertise to make properly.

For example: Who will investigate and gather all the information for these decisions? Who will contact the previous victims and other witnesses for any new information and write reports? How will the historical police reports, sealed juvenile records, sealed DHS records, sealed Children Advocacy Center records, privileged psychological records of the survivor, privileged psychological records of the person who was convicted, etc., be obtained? This would require legal processes, protective orders, and the complicated navigation of HIPAA and other privacy rules and laws, etc.