

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	8 - 0 - 1
Yeas:	Barker, Bonamici, Cameron, Flores, Komp, Read, Whisnant, Macpherson
Nays:	0
Exc.:	Krieger
Prepared By:	Darian Stanford, Counsel
Meeting Dates:	1/25, 3/16, 4/27, 4/30

WHAT THE MEASURE DOES: Enables Oregon Department of Human Services (DHS) to obtain criminal background information about an individual without prior consent of or notice to an individual if individual is either: (1) alleged perpetrator of child abuse/neglect; or (2) resides in or frequents residence of alleged child abuse/neglect victim. Requires DHS to notify such individuals after obtaining information.

ISSUES DISCUSSED:

- Possibility of term “frequents” being too vague
- Sometimes reports come in about child abuse, but there is nothing to suggest identity of specific abuser

EFFECT OF COMMITTEE AMENDMENT: Removes provision adopting federal standard relating to who is eligible to be foster parents or adoptive parents (irrelevant change because a different bill, HB 2190, adopted this standard). Specifies that DHS must always notify subject of criminal record check (and not just when it launches an investigation).

BACKGROUND: ORS 181.557 provides the mechanism for a “designated agency” to obtain criminal background information from the Oregon State Police regarding individuals seeking agency employment or licensing (or for some other permissible agency purpose). In short, present rules require that the requesting agency either: (1) provide prior written consent from the individual for such a criminal background check; or (2) provide proof that the agency gave written notice to the individual that the agency might request such a criminal background check. There are presently no exceptions to these requirements.

HB 2179 A amends ORS 181.557 by providing for such an exception for one agency. It allows DHS to obtain criminal background information regarding an individual without prior written consent or notice if that individual is the subject of a child abuse/neglect complaint or if the individual resides at or frequents the residence of an alleged child abuse victim.