

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass as Amended and Be Printed Engrossed and Rescind the Subsequent Referral to the Committee on Ways and Means

Vote: 4 - 0 - 1

Yeas: Beyer, Kruse, Prozanski, Burdick

Nays: 0

Exc.: Walker

Prepared By: Darian Stanford, Counsel

Meeting Dates: 2/26, 5/1, 5/10

WHAT THE MEASURE DOES: Authorizes Oregon Department of Consumer and Business Services (DCBS), Oregon Commission for the Blind, Oregon Office of Private Health Partnerships, Oregon Real Estate Commissioner, Oregon Board of Radiologic Technology, Oregon Board of Accountancy, and Housing and Community Services Department (collectively referred to as “the Listed Agencies”) to require fingerprinting of certain persons for purposes of criminal background checks.

ISSUES DISCUSSED:

- Combating identity theft as primary motivation for bill
- Similar bill passed last session that did not include the Listed Agencies
- DCBS as Oregon’s largest business regulatory agency and its access to confidential/sensitive information of numerous persons

EFFECT OF COMMITTEE AMENDMENT: Changes language stating that DCBS can do background checks on persons with access to “personal information *** including Social Security numbers, dates of birth, driver’s license numbers ***” to require specifically that the person have access to “Social Security numbers, dates of birth, driver’s license ***.” Clarifies language about who Real Estate Commissioner can run searches on. Adds the Oregon Board of Accountancy and the Housing and Community Services Department to the list of agencies that may do background checks on employees.

BACKGROUND: Generally, ORS 181.534 allows state agencies to request the Oregon State Police to run criminal background checks (state or national) on various categories of persons. The agency can only require persons to provide fingerprints in connection with such background checks (this enables a more comprehensive nationwide background check) if there is specific statutory authorization for such a requirement.

HB 2252 A provides specific authorization for the Listed Agencies. Of the five Listed Agencies, only the Real Estate Commissioner presently has this authority. HB 2252 A expands the class of persons that the Real Estate Commissioner may require to provide fingerprints from “any applicant or licensee” to applicants for new or renewed licenses, current or prospective agency employees, or agency contractors/volunteers. The class of affected persons (the ones that may be required to provide fingerprints) is similar for the other four Listed Agencies, although the list of potentially affected persons for DCBS is more comprehensive.