

REVENUE: No revenue impact
FISCAL: Fiscal statement issued

Action: Do Pass
Vote: 7 - 1 - 1
Yeas: Barker, Cameron, Flores, Komp, Krieger, Whisnant, Macpherson
Nays: Bonamici
Exc.: Read
Prepared By: Darian Stanford, Counsel
Meeting Dates: 1/25

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 and Oregon Board of Radiologic Technology (collectively referred to as “the Listed Agencies”) to require fingerprinting of certain persons for purposes of criminal background checks.

ISSUES DISCUSSED:

- Combating identify theft as primary motivation for bill
- Similar bill passed last session that did not include the Listed Agencies
- Other agencies besides the Listed Agencies that may later seek inclusion
- DCBS as Oregon’s largest business regulatory agency and its access to confidential/sensitive information of numerous persons
- “Vendors” that would be required to provide DCBS with fingerprints
- Who would make fingerprinting determination and how determination would be made

EFFECT OF COMMITTEE AMENDMENT: No amendment.

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 if there is specific statutory authorization for such a requirement.

HB 2252 provides specific authorization for the Listed Agencies. Of the five Listed Agencies, only the Real Estate Commissioner presently has this authority. HB 2252 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.