

A-Engrossed
House Bill 2179

Ordered by the House May 10
Including House Amendments dated May 10

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Presession filed (at the request of Governor Theodore R. Kulongoski for Department of Human Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Enables Department of Human Services to obtain criminal offender information about alleged perpetrators of child abuse or neglect, and about household members of alleged victims of child abuse or neglect, without providing prior notice to or obtaining consent from subject of criminal offender record check. Requires department to notify subject of criminal offender record check [*when investigation continues*] after receipt of criminal offender information.

[*Adopts federal criminal records checks criteria for disqualification of prospective child caregivers. Specifies operative date.*]

A BILL FOR AN ACT

1
2 Relating to criminal records checks; amending ORS 181.557.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 181.557 is amended to read:

5 181.557. (1) When a designated agency requests criminal offender information about an individ-
6 ual from the Department of State Police under ORS 181.555 (1) for agency employment, licensing or
7 other permissible purposes, the agency shall provide documentation that the individual:

8 [(1)] (a) Gave prior written consent for the agency to make a criminal offender record check
9 through the department; or

10 [(2)] (b) Has received written notice from the agency that a criminal offender record check may
11 be made through the department. Notice shall be provided prior to the time the request is made
12 and shall include:

13 [(a)] (A) **A statement that the individual may challenge the accuracy of criminal offender**
14 **information and** notice of the manner in which the individual may be informed of the procedures
15 adopted under ORS 181.555 (3) for challenging inaccurate criminal offender information; and

16 [(b)] (B) **A statement that Title VII of the Civil Rights Act of 1964 may apply to some**
17 **individuals affected by this subsection,** notice of the manner in which the individual may become
18 informed of rights, if any, under Title VII of the Civil Rights Act of 1964, and notice that discrimi-
19 nation by an employer on the basis of arrest records alone may violate federal civil rights law and
20 that the individual may obtain further information by contacting the Bureau of Labor and Industries.

21 **(2) Notwithstanding subsection (1) of this section, the Department of Human Services**
22 **may obtain criminal offender information from the Department of State Police about an in-**
23 **dividual without first obtaining the individual's written consent or giving written notice to**
24 **the individual when:**

25 (a) **The criminal offender record check is requested for the purpose of investigating a**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **report of child abuse or neglect; and**

2 **(b) The individual is either an alleged perpetrator of the reported child abuse or neglect**
3 **or is an individual who resides in or frequents the alleged victim's residence.**

4 **(3)(a) The Department of Human Services shall provide written notice to the individual**
5 **of the criminal offender record check after the department obtains criminal offender infor-**
6 **mation under subsection (2) of this section.**

7 **(b) Notice provided under this subsection shall include:**

8 **(A) A statement that the individual may challenge the accuracy of criminal offender in-**
9 **formation and notice of the manner in which the individual may be informed of the proce-**
10 **dures adopted under ORS 181.555 (3) for challenging inaccurate criminal offender**
11 **information; and**

12 **(B) A statement that Title VII of the Civil Rights Act of 1964 may apply to some indi-**
13 **viduals affected by this subsection and notice of the manner in which the individual may**
14 **become informed of rights, if any, under Title VII of the Civil Rights Act of 1964.**

15