

Enrolled
House Bill 2179

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

CHAPTER

AN ACT

Relating to criminal records checks; amending ORS 181.557.

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

SECTION 1. ORS 181.557 is amended to read:

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

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

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

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

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

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

(a) The criminal offender record check is requested for the purpose of investigating a report of child abuse or neglect; and

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

(3)(a) The Department of Human Services shall provide written notice to the individual of the criminal offender record check after the department obtains criminal offender information under subsection (2) of this section.

(b) Notice provided under this subsection shall include:

(A) A statement that the individual may challenge the accuracy of criminal offender information and notice of the manner in which the individual may be informed of the proce-

dures adopted under ORS 181.555 (3) for challenging inaccurate criminal offender information; and

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

Passed by House May 15, 2007

.....
Chief Clerk of House

.....
Speaker of House

Passed by Senate June 4, 2007

.....
President of Senate

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2007

.....
Secretary of State