

Enrolled
House Bill 2252

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 Consumer and Business Services)

CHAPTER

AN ACT

Relating to criminal records checks; creating new provisions; amending ORS 673.465 and 696.790; and declaring an emergency.

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

SECTION 1. For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Department of Consumer and Business Services may require the fingerprints of a person who is applying for a license, or renewal of a license, under ORS 744.001, 744.059 or 744.326 or a person who:

- (1)(a) Is employed or applying for employment by the department; or
- (b) Provides services or seeks to provide services to the department as a contractor, vendor or volunteer; and
- (2) Is, or will be, working or providing services in a position:
 - (a) In which the person is providing information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;
 - (b) In which the person has access to information that state or federal laws, rules or regulations prohibit disclosing or define as confidential;
 - (c) That has payroll functions or in which the person has responsibility for receiving, receipting or depositing money or negotiable instruments, for billing, collections or other financial transactions or for purchasing or selling property or has access to property held in trust or to private property in the temporary custody of the state;
 - (d) That has mailroom duties as a primary duty or job function;
 - (e) In which the person has responsibility for auditing the department;
 - (f) That has personnel or human resources functions as a primary responsibility;
 - (g) In which the person has access to Social Security numbers, dates of birth or criminal background information of employees or members of the public; or
 - (h) In which the person has access to tax or financial information about individuals or business entities.

SECTION 2. For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Commission for the Blind may require the fingerprints of a person who:

- (1)(a) Is employed or applying for employment by the commission; or
- (b) Provides services or seeks to provide services to the commission as a volunteer; and
- (2) Is, or will be, working or providing services in a position:

(a) In which the person has or will have access to information that is confidential under state or federal laws, rules or regulations; or

(b) In which the person has direct contact with people who are served by the commission.

SECTION 3. For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Office of Private Health Partnerships may require the fingerprints of a person who:

(1)(a) Is employed or applying for employment by the office; or

(b) Provides services or seeks to provide services to the office as a contractor, vendor or volunteer; and

(2) Is, or will be, working or providing services in a position in which the person has or will have access to information that is confidential under state or federal laws, rules or regulations.

SECTION 4. ORS 696.790 is amended to read:

696.790. For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Real Estate Commissioner may require *[any applicant or licensee regulated under this chapter to provide fingerprints.]* **the fingerprints of an individual who:**

(1) Is applying for a license, or renewal of a license, under this chapter; or

(2)(a)(A) Is employed or applying for employment by the Real Estate Agency; or

(B) Provides services or seeks to provide services to the Real Estate Agency as a contractor or volunteer; and

(b) Is, or will be, working or providing services in a position:

(A) In which the individual is providing information technology services and has control over, or access to, information technology systems that would allow the individual to harm the information technology systems or the information contained in the systems;

(B) In which the individual has access to information that state or federal laws, rules or regulations prohibit disclosing or define as confidential;

(C) That has payroll functions or in which the individual has responsibility for receiving, receipting or depositing money or negotiable instruments, for billing, collections or other financial transactions or for purchasing or selling property or has access to property held in trust or to private property in the temporary custody of the state;

(D) That has mailroom duties as a primary duty or job function;

(E) That has personnel or human resources functions as a primary responsibility;

(F) In which the individual has access to Social Security numbers, dates of birth or criminal background information of employees or members of the public; or

(G) In which the individual has access to tax or financial information about individuals or business entities.

SECTION 5. For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Board of Radiologic Technology may require the fingerprints of a person who:

(1) Is applying for a license, or renewal of a license, under ORS 688.415;

(2)(a) Is employed or applying for employment by the board or provides services or seeks to provide services to the board as a contractor, vendor or volunteer; and

(b) Is, or will be, working or providing services in a position in which the person has or will have access to information that is confidential under state or federal laws, rules or regulations; or

(3) Is under investigation by the board pursuant to ORS 688.525.

SECTION 6. ORS 673.465 is amended to read:

673.465. For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Oregon Board of Accountancy may require the fingerprints of a person who *[is]*:

(1) Is applying for a license, certificate, registration or permit that is issued by the board;

(2) Is applying for renewal of a license, certificate, registration or permit that is issued by the board;

- (3) Is under investigation by the board; [or]
- (4) Is applying for authority to practice public accountancy pursuant to ORS 673.153[.]; or
- (5)(a)(A) Is employed or applying for employment by the board; or
- (B) Provides services or seeks to provide services to the board as a contractor or vendor;

and

- (b) Is, or will be, working or providing services in a position:

(A) In which the person has or will have access to individual Social Security numbers, dates of birth, credit card information or information that is confidential under state or federal laws, rules or regulations; or

(B) In which the person is providing information technology services and has control over, or access to, information technology systems that would allow the person to harm or make unlawful use of the information technology systems or the information contained in the systems.

SECTION 7. For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Housing and Community Services Department may require the fingerprints of a person who:

- (1)(a) Is employed or applying for employment by the department; or

(b) Provides services or seeks to provide services to the department as a contractor, vendor or volunteer; and

- (2) Is, or will be, working or providing services in a position:

(a) In which the person is providing information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;

(b) In which the person has access to information that state or federal laws, rules or regulations prohibit disclosing or define as confidential;

(c) That has payroll functions or in which the person has responsibility for receiving, receipting or depositing money or negotiable instruments, for billing, collections or other financial transactions or for purchasing or selling property or has access to property held in trust or to private property in the temporary custody of the state;

- (d) That has mailroom duties as a primary duty or job function;

(e) In which the person has responsibility for auditing the department or other business entities;

- (f) That has personnel or human resources functions as a primary responsibility;

(g) In which the person has access to Social Security numbers, dates of birth or criminal background information of employees or members of the public; or

(h) In which the person has access to tax or financial information about individuals or business entities or processes tax credits.

SECTION 8. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by House February 8, 2007

Repassed by House June 13, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate June 12, 2007

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President of Senate

Received by Governor:

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

Approved:

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

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Governor

Filed in Office of Secretary of State:

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

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Secretary of State