

# House Bill 2207

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

## 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 **as introduced**.

Changes name of Criminal History Registry to Central Background Registry.

## A BILL FOR AN ACT

Relating to Central Background Registry; amending ORS 657A.030 and 657A.275.

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

**SECTION 1.** ORS 657A.030 is amended to read:

657A.030. (1) The Child Care Division of the Employment Department shall establish a [*Criminal History*] **Central Background** Registry.

(2) All subject individuals shall be enrolled in the [*Criminal History*] **Central Background** Registry established by the division.

(3) Upon receiving an application for enrollment in the [*Criminal History*] **Central Background** Registry, the division shall complete a criminal records check under ORS 181.534 and shall complete a child protective services records check with the Department of Human Services. The division shall enroll the individual in the registry if the individual:

(a) Is determined to have no criminal or child protective services history or to have dealt with the issues and provided adequate evidence of suitability for the registry;

(b) Has paid the applicable fee established pursuant to ORS 657A.275; and

(c) Has complied with the rules of the division adopted pursuant to this section.

(4) The division may conditionally enroll an individual in the registry pending the results of a nationwide criminal records check through the Federal Bureau of Investigation if the individual has met other requirements of the division for enrollment in the registry.

(5) An enrollment in the [*Criminal History*] **Central Background** Registry shall expire two years from the date of enrollment and may be renewed upon application to the division, payment of the fee established pursuant to ORS 657A.275 and compliance with rules adopted by the division pursuant to this section. However, an individual who is determined to be ineligible for enrollment in the registry after the date of initial enrollment shall be removed from the registry by the division.

(6)(a) A child care facility shall not hire or employ an individual if the individual is not enrolled in the [*Criminal History*] **Central Background** Registry.

(b) Notwithstanding paragraph (a) of this subsection, a child care facility may employ on a probationary basis an individual who is conditionally enrolled in the [*Criminal History*] **Central Background** Registry.

(7) The division may adopt any rules necessary to carry out the purposes of this section and the criminal records check program.

**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 (8) For purposes of this section, “subject individual” means a subject individual as defined by  
2 the division by rule or a person who applies to be:

3 (a) The operator or an employee of a child care or treatment program;

4 (b) The operator or an employee of an Oregon prekindergarten program under ORS 329.170 to  
5 329.200;

6 (c) The operator or an employee of a federal Head Start program regulated by the United States  
7 Department of Health and Human Services;

8 (d) An individual in a child care facility who may have unsupervised contact with children as  
9 identified by the division;

10 (e) A contractor or an employee of the contractor who provides early childhood special educa-  
11 tion or early intervention services pursuant to ORS 343.455 to 343.534; or

12 (f) A child care provider who is required to be enrolled in the [*Criminal History*] **Central**  
13 **Background** Registry by any state agency.

14 **SECTION 2.** ORS 657A.275 is amended to read:

15 657A.275. (1) Subject to prior approval of the Oregon Department of Administrative Services and  
16 a report to the Legislative Assembly prior to adopting the fees and charges, the fees and charges  
17 established under ORS 181.534, 657A.030 and 657A.250 to 657A.450 may not exceed the cost of ad-  
18 ministering the program of the Child Care Division of the Employment Department pertaining to the  
19 purpose for which the fee is established, as authorized by the Legislative Assembly within the  
20 budget of the division.

21 (2) Notwithstanding subsection (1) of this section and any other provision of this chapter, the  
22 following fees established by the division under ORS 657A.030 and 657A.250 to 657A.450 may not  
23 exceed:

24 (a) For Certified Family Child Care Home Initial Certification, \$25;

25 (b) For Certified Family Child Care Home Annual Fee Per Certified Space, \$2;

26 (c) For Child Care Center Initial Certification, \$100;

27 (d) For Child Care Center Annual Fee Per Certified Space, \$2;

28 (e) For Registered Family Child Care Home Registration, \$30;

29 (f) For administering a class on child care abuse and neglect issues, \$10; and

30 (g) For enrollment in the [*Criminal History*] **Central Background** Registry, the cost of admin-  
31 istering the program, including fees for:

32 (A) Duplicate enrollment in the [*Criminal History*] **Central Background** Registry;

33 (B) Law Enforcement Data System criminal records check; and

34 (C) Federal Bureau of Investigation fingerprint check.  
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