

A-Engrossed
House Bill 2988

Ordered by the House April 29
Including House Amendments dated April 29

Sponsored by Representatives KOTEK, WHISNANT; Representatives STIEGLER, VANORMAN (at the request of Oregon Commission for Child Care)

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.

Establishes Voluntary Central Background Registry in Child Care Division of Employment Department for individuals employed or volunteering to provide services to children. Allows agencies and organizations **in Oregon** to accept enrollment in registry in lieu of certain agency or organization **criminal** records check requirements. Directs division to conduct quarterly criminal records checks and to *[notify agencies and organizations of disqualification of enrolled individuals]* **remove ineligible individuals from registry.**

Becomes operative June 30, 2010.

A BILL FOR AN ACT

1
2 Relating to the Voluntary Central Background Registry; creating new provisions; and amending ORS
3 657A.275.

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

5 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 657A.**

6 **SECTION 2. (1) The Child Care Division of the Employment Department shall establish**
7 **a Voluntary Central Background Registry.**

8 **(2) An individual who is employed or volunteers to provide services to children may enroll**
9 **in the Voluntary Central Background Registry if the individual, as a condition of the indi-**
10 **vidual's employment or volunteer work, is required by an agency or organization in Oregon**
11 **to complete a criminal records check under ORS 181.534 or 181.537.**

12 **(3) Upon receiving an application for enrollment in the Voluntary Central Background**
13 **Registry, the division shall complete a criminal records check under ORS 181.534 or 181.537.**
14 **The division shall enroll the individual in the registry if the individual:**

15 **(a) Is determined by the division to have no criminal history;**

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

17 **(c) Has complied with the rules for enrollment adopted by the division pursuant to this**
18 **section.**

19 **(4) An individual who is enrolled in the Voluntary Central Background Registry may**
20 **submit evidence of enrollment in the registry to any agency or organization in Oregon that**
21 **accepts such enrollment in lieu of the agency's or organization's own requirement of com-**
22 **pleting a criminal records check.**

23 **(5) An enrollment in the Voluntary Central Background Registry expires two years from**
24 **the date of enrollment and may be renewed upon application to the division, payment of the**
25 **fee established under ORS 657A.275 and compliance with rules for renewal of enrollment**

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 adopted by the division.

2 (6) The division shall conduct on a quarterly basis a criminal records check on individuals
3 enrolled in the registry through the Law Enforcement Data System maintained by the De-
4 partment of State Police in accordance with rules adopted and procedures established by the
5 Department of State Police to determine that the individual is still eligible for enrollment in
6 the registry. If the criminal records check reveals information that would make the individ-
7 ual ineligible for enrollment, the division shall disqualify the individual from enrollment and
8 remove the individual from the registry.

9 (7) If an individual is determined by the division to be ineligible for enrollment in the
10 registry after the date of the individual's initial enrollment or after subsequent renewal of
11 enrollment, the division shall remove the individual from the registry.

12 (8) For purposes of this section, "children" means children under 18 years of age.

13 (9) The division shall adopt any rules necessary to carry out the purposes of this section.

14 **SECTION 3.** 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 **and section 2 of this 2009 Act**
18 may not exceed the cost of administering the program of the Child Care Division of the Employment
19 Department pertaining to the purpose for which the fee is established, as authorized by the Legis-
20 lative Assembly within the 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 Registry, the cost of administering the program, in-
31 cluding fees for:

- 32 (A) Duplicate enrollment in the Criminal History Registry;
- 33 (B) Law Enforcement Data System criminal records check; and
- 34 (C) Federal Bureau of Investigation fingerprint check[.]; **and**

35 **(h) For enrollment in the Voluntary Central Background Registry, the cost of adminis-**
36 **tering the program, including fees for:**

- 37 **(A) Renewal of enrollment in the Voluntary Central Background Registry; and**
- 38 **(B) Law Enforcement Data System criminal records checks.**

39 **SECTION 4.** Section 2 of this 2009 Act and the amendments to ORS 657A.275 by section
40 **3 of this 2009 Act become operative on June 30, 2010.**

41 **SECTION 5.** The Child Care Division may take any action before the operative date set
42 forth in section 4 of this 2009 Act necessary to enable it to implement the provisions of
43 section 2 of this 2009 Act on and after the operative date.