

# House Bill 3386

Sponsored by COMMITTEE ON 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 **as introduced**.

Requires contractors, employees and volunteers of political subdivision who have unsupervised access to children to be enrolled in Criminal History Registry if required by political subdivision.

Requires Child Care Division of Employment Department to enter into interagency agreement with political subdivision for access to information about enrollment status of contractors, employees and volunteers of political subdivision required to be enrolled in Criminal History Registry.

## A BILL FOR AN ACT

1  
2 Relating to Criminal History Registry; creating new provisions; and amending ORS 657A.030.

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

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

5 657A.030. (1) The Child Care Division of the Employment Department shall establish a Criminal  
6 History Registry.

7 (2) All subject individuals shall be enrolled in the Criminal History Registry established by the  
8 division.

9 (3) Upon receiving an application for enrollment in the Criminal History Registry, the division  
10 shall complete a criminal records check under ORS 181.534 and shall complete a child protective  
11 services records check with the Department of Human Services. The division shall enroll the indi-  
12 vidual in the registry if the individual:

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

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

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

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

20 (5) An enrollment in the Criminal History Registry shall expire two years from the date of en-  
21 rollment and may be renewed upon application to the division, payment of the fee established pur-  
22 suant to ORS 657A.275 and compliance with rules adopted by the division pursuant to this section.  
23 However, an individual who is determined to be ineligible for enrollment in the registry after the  
24 date of initial enrollment shall be removed from the registry by the division.

25 (6)(a) A child care facility shall not hire or employ an individual if the individual is not enrolled  
26 in the Criminal History Registry.

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

29 (7) The division may adopt any rules necessary to carry out the purposes of this section and the  
30 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 Registry by any  
13 state agency[.]; **or**

14 **(g) A contractor, employee or volunteer of a political subdivision who may have unsu-  
15 pervised access to children and who is required to be enrolled in the Criminal History Reg-  
16 istry by the political subdivision.**

17 **(9) Upon request from a political subdivision that requires persons described in sub-  
18 section (8)(g) of this section to be enrolled in the Criminal History Registry, the division shall  
19 enter into an intergovernmental agreement with the political subdivision for the purpose of  
20 furnishing information to the political subdivision about the enrollment status of the persons  
21 described in subsection (8)(g) of this section.**

22 **(10) As used in this section, “political subdivision” has the meaning given that term in  
23 ORS 192.005.**

24 **SECTION 2. The amendments to ORS 657A.030 by section 1 of this 2009 Act become op-  
25 erative on July 1, 2010.**

26 **SECTION 3. The Child Care Division of the Employment Department may take any action  
27 before the operative date specified in section 2 of this 2009 Act necessary to enable the divi-  
28 sion to implement the amendments to ORS 657A.030 by section 1 of this 2009 Act on and after  
29 the operative date specified in section 2 of this 2009 Act.**

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