

# Senate Bill 70

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## 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**.

Authorizes Department of State Police to establish fee schedules to cover costs of obtaining, maintaining and providing criminal identification records and information.

## A BILL FOR AN ACT

1  
2 Relating to fees for criminal identification services; amending ORS 137.225, 144.102, 144.270, 166.274,  
3 166.291, 166.414, 166.434, 181.010, 181.066, 181.511, 181.521, 181.530, 181.533, 181.534, 181.537,  
4 181.538, 181.555, 181.557, 181.560, 181.595, 181.596, 181.597, 194.024, 250.048, 418.701, 419A.250,  
5 426.160, 427.293 and 461.110; and repealing ORS 181.556.

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

7 **SECTION 1.** ORS 137.225 is amended to read:

8 137.225. (1)(a) At any time after the lapse of three years from the date of pronouncement of  
9 judgment, any defendant who has fully complied with and performed the sentence of the court and  
10 whose conviction is described in subsection (5) of this section by motion may apply to the court  
11 where the conviction was entered for entry of an order setting aside the conviction; or

12 (b) At any time after the lapse of one year from the date of any arrest, if no accusatory in-  
13 strument was filed, or at any time after an acquittal or a dismissal of the charge, the arrested per-  
14 son may apply to the court that would have jurisdiction over the crime for which the person was  
15 arrested, for entry of an order setting aside the record of the arrest. For the purpose of computing  
16 the one-year period, time during which the arrested person has secreted himself or herself within  
17 or without the state is not included.

18 (2)(a) A copy of the motion and a full set of the defendant's fingerprints shall be served upon  
19 the office of the prosecuting attorney who prosecuted the crime or violation, or who had authority  
20 to prosecute the charge if there was no accusatory instrument filed, and opportunity shall be given  
21 to contest the motion. The fingerprint card with the notation "motion for setting aside conviction,"  
22 or "motion for setting aside arrest record" as the case may be, shall be forwarded to the Department  
23 of State Police [*bureau of criminal identification*]. Information resulting from the fingerprint search  
24 along with the fingerprint card shall be returned to the prosecuting attorney.

25 (b) When a prosecuting attorney is served with a copy of a motion to set aside a conviction  
26 under this section, the prosecuting attorney shall provide a copy of the motion and notice of the  
27 hearing date to the victim, if any, of the crime by mailing a copy of the motion and notice to the  
28 victim's last-known address.

29 (c) When a person makes a motion under subsection (1)(a) of this section, the person must pay  
30 a fee [*of \$80. The person shall attach a*] **by** certified check payable to the Department of State Police

**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 in [the amount of \$80 to the fingerprint card] **an amount to be established by the department by**  
 2 **rule. The person must attach the certified check to the motion** that is served upon the prose-  
 3 cuting attorney. The office of the prosecuting attorney shall forward the check with the fingerprint  
 4 card to the Department of State Police [bureau of criminal identification].

5 (3) Upon hearing the motion, the court may require the filing of such affidavits and may require  
 6 the taking of such proofs as it deems proper. The court shall allow the victim to make a statement  
 7 at the hearing. Except as otherwise provided in subsection (12) of this section, if the court deter-  
 8 mines that the circumstances and behavior of the applicant from the date of conviction, or from the  
 9 date of arrest as the case may be, to the date of the hearing on the motion warrant setting aside  
 10 the conviction, or the arrest record as the case may be, it shall enter an appropriate order that shall  
 11 state the original arrest charge and the conviction charge, if any and if different from the original,  
 12 date of charge, submitting agency and disposition. The order shall further state that positive iden-  
 13 tification has been established by the [bureau] **Department of State Police** and further identified  
 14 as to [state bureau] **Department of State Police** number or submitting agency number. Upon the  
 15 entry of the order, the applicant for purposes of the law shall be deemed not to have been previously  
 16 convicted, or arrested as the case may be, and the court shall issue an order sealing the record of  
 17 conviction and other official records in the case, including the records of arrest whether or not the  
 18 arrest resulted in a further criminal proceeding.

19 (4) The clerk of the court shall forward a certified copy of the order to such agencies as directed  
 20 by the court. A certified copy must be sent to the Department of Corrections when the person has  
 21 been in the custody of the Department of Corrections. Upon entry of the order, the conviction, ar-  
 22 rest or other proceeding shall be deemed not to have occurred, and the applicant may answer ac-  
 23 cordingly any questions relating to its occurrence.

24 (5) The provisions of subsection (1)(a) of this section apply to a conviction of:

25 (a) A Class C felony, except for criminal mistreatment in the first degree under ORS 163.205  
 26 when it would constitute child abuse, as defined in ORS 419B.005, or any sex crime.

27 (b) The crime of possession of the narcotic drug marijuana when that crime was punishable as  
 28 a felony only.

29 (c) A crime punishable as either a felony or a misdemeanor, in the discretion of the court, except  
 30 for:

31 (A) Any sex crime; and

32 (B) The following crimes when they would constitute child abuse as defined in ORS 419B.005:

33 (i) Criminal mistreatment in the first degree under ORS 163.205; and

34 (ii) Endangering the welfare of a minor under ORS 163.575 (1)(a).

35 (d) A misdemeanor, including a violation of a municipal ordinance, for which a jail sentence may  
 36 be imposed, except for endangering the welfare of a minor under ORS 163.575 (1)(a) when it would  
 37 constitute child abuse, as defined in ORS 419B.005, or any sex crime.

38 (e) A violation, whether under state law or local ordinance.

39 (f) An offense committed before January 1, 1972, that if committed after that date would be:

40 (A) A Class C felony, except for any sex crime or for the following crimes when they would  
 41 constitute child abuse as defined in ORS 419B.005:

42 (i) Criminal mistreatment in the first degree under ORS 163.205; and

43 (ii) Endangering the welfare of a minor under ORS 163.575 (1)(a).

44 (B) A crime punishable as either a felony or a misdemeanor, in the discretion of the court, ex-  
 45 cept for any sex crime or for the following crimes when they would constitute child abuse as defined

1 in ORS 419B.005:

2 (i) Criminal mistreatment in the first degree under ORS 163.205; and

3 (ii) Endangering the welfare of a minor under ORS 163.575 (1)(a).

4 (C) A misdemeanor, except for endangering the welfare of a minor under ORS 163.575 (1)(a)  
5 when it would constitute child abuse, as defined in ORS 419B.005, or any sex crime.

6 (D) A violation.

7 (6) Notwithstanding subsection (5) of this section, the provisions of subsection (1) of this section  
8 do not apply to:

9 (a) A conviction for a state or municipal traffic offense.

10 (b) A person convicted, within the 10-year period immediately preceding the filing of the motion  
11 pursuant to subsection (1) of this section, of any other offense, excluding motor vehicle violations,  
12 whether or not the other conviction is for conduct associated with the same criminal episode that  
13 caused the arrest or conviction that is sought to be set aside. Notwithstanding subsection (1) of this  
14 section, a conviction that has been set aside under this section shall be considered for the purpose  
15 of determining whether this paragraph is applicable.

16 (c) A person who at the time the motion authorized by subsection (1) of this section is pending  
17 before the court is under charge of commission of any crime.

18 (7) Notwithstanding subsection (5) of this section, the provisions of subsection (1)(a) of this sec-  
19 tion do not apply to criminally negligent homicide under ORS 163.145, when that offense was  
20 punishable as a Class C felony.

21 (8) The provisions of subsection (1)(b) of this section do not apply to:

22 (a) A person arrested within the three-year period immediately preceding the filing of the motion  
23 for any offense, excluding motor vehicle violations, and excluding arrests for conduct associated  
24 with the same criminal episode that caused the arrest that is sought to be set aside.

25 (b) An arrest for driving while under the influence of intoxicants if the charge is dismissed as  
26 a result of the person's successful completion of a diversion agreement described in ORS 813.200.

27 (9) The provisions of subsection (1) of this section apply to convictions and arrests that occurred  
28 before, as well as those that occurred after, September 9, 1971. There is no time limit for making  
29 an application.

30 (10) For purposes of any civil action in which truth is an element of a claim for relief or affir-  
31 mative defense, the provisions of subsection (3) of this section providing that the conviction, arrest  
32 or other proceeding be deemed not to have occurred do not apply and a party may apply to the  
33 court for an order requiring disclosure of the official records in the case as may be necessary in the  
34 interest of justice.

35 (11) Upon motion of any prosecutor or defendant in a case involving records sealed under this  
36 section, supported by affidavit showing good cause, the court with jurisdiction may order the reo-  
37 pening and disclosure of any records sealed under this section for the limited purpose of assisting  
38 the investigation of the movant. However, such an order has no other effect on the orders setting  
39 aside the conviction or the arrest record.

40 (12) Unless the court makes written findings by clear and convincing evidence that granting the  
41 motion would not be in the best interests of justice, the court shall grant the motion and enter an  
42 order as provided in subsection (3) of this section if the defendant has been convicted of one of the  
43 following crimes and is otherwise eligible for relief under this section:

44 (a) Abandonment of a child, ORS 163.535.

45 (b) Attempted assault in the second degree, ORS 163.175.

- 1 (c) Assault in the third degree, ORS 163.165.
- 2 (d) Coercion, ORS 163.275.
- 3 (e) Criminal mistreatment in the first degree, ORS 163.205.
- 4 (f) Attempted escape in the first degree, ORS 162.165.
- 5 (g) Incest, ORS 163.525, if the victim was at least 18 years of age.
- 6 (h) Intimidation in the first degree, ORS 166.165.
- 7 (i) Attempted kidnapping in the second degree, ORS 163.225.
- 8 (j) Attempted robbery in the second degree, ORS 164.405.
- 9 (k) Robbery in the third degree, ORS 164.395.
- 10 (L) Supplying contraband, ORS 162.185.
- 11 (m) Unlawful use of a weapon, ORS 166.220.

12 (13) As used in this section, "sex crime" has the meaning given that term in ORS 181.594.

13 **SECTION 2.** ORS 144.102 is amended to read:

14 144.102. (1) The State Board of Parole and Post-Prison Supervision or local supervisory authority  
15 responsible for correctional services for a person shall specify in writing the conditions of post-  
16 prison supervision imposed under ORS 144.096. A copy of the conditions shall be given to the person  
17 upon release from prison or jail.

18 (2) The board or the supervisory authority shall determine, and may at any time modify, the  
19 conditions of post-prison supervision, which may include, among other conditions, that the person  
20 shall:

21 (a) Comply with the conditions of post-prison supervision as specified by the board or supervi-  
22 sory authority.

23 (b) Be under the supervision of the Department of Corrections and its representatives or other  
24 supervisory authority and abide by their direction and counsel.

25 (c) Answer all reasonable inquiries of the board, the department or the supervisory authority.

26 (d) Report to the parole officer as directed by the board, the department or the supervisory au-  
27 thority.

28 (e) Not own, possess or be in control of any weapon.

29 (f) Respect and obey all municipal, county, state and federal laws.

30 (g) Understand that the board or supervisory authority may, at its discretion, punish violations  
31 of post-prison supervision.

32 (h) Attend a victim impact treatment session in a county that has a victim impact program. If  
33 the board or supervisory authority requires attendance under this paragraph, the board or supervi-  
34 sory authority may require the person, as an additional condition of post-prison supervision, to pay  
35 a reasonable fee to the victim impact program to offset the cost of the person's participation. The  
36 board or supervisory authority may not order a person to pay a fee in excess of \$5 under this par-  
37 agraph.

38 (i) If required to report as a sex offender under ORS 181.595, report with the Department of  
39 State Police, a city police department, a county sheriff's office or the supervising agency:

40 (A) When supervision begins;

41 (B) Within 10 days of a change in residence;

42 (C) Once each year within 10 days of the person's date of birth;

43 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an  
44 institution of higher education; and

45 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher

1 education.

2 (3)(a) The board or supervisory authority may establish special conditions as the board or su-  
3 pervisory authority determines necessary because of the individual circumstances of the person on  
4 post-prison supervision.

5 (b) If the person is on post-prison supervision following conviction of a sex crime, as defined in  
6 ORS 181.594, the board or supervisory authority shall include all of the following as special condi-  
7 tions of the person's post-prison supervision:

8 (A) Agreement to comply with any curfew set by the board, the supervisory authority or the  
9 supervising officer.

10 (B) A prohibition against contacting a person under 18 years of age without the prior written  
11 approval of the board, supervisory authority or supervising officer.

12 (C) A prohibition against being present more than one time, without the prior written approval  
13 of the board, supervisory authority or supervising officer, at a place where persons under 18 years  
14 of age regularly congregate.

15 (D) In addition to the prohibition under subparagraph (C) of this paragraph, a prohibition  
16 against being present, without the prior written approval of the board, supervisory authority or  
17 supervising officer, at, or on property adjacent to, a school, child care center, playground or other  
18 place intended for use primarily by persons under 18 years of age.

19 (E) A prohibition against working or volunteering at a school, child care center, park, play-  
20 ground or other place where persons under 18 years of age regularly congregate.

21 (F) Entry into and completion of or successful discharge from a sex offender treatment program  
22 approved by the board, supervisory authority or supervising officer. The program may include  
23 polygraph and plethysmograph testing. The person is responsible for paying for the treatment pro-  
24 gram.

25 (G) A prohibition against any contact with the victim, directly or indirectly, unless approved  
26 by the victim, the person's treatment provider and the board, supervisory authority or supervising  
27 officer.

28 (H) Unless otherwise indicated for the treatment required under subparagraph (F) of this para-  
29 graph, a prohibition against viewing, listening to, owning or possessing any sexually stimulating  
30 visual or auditory materials that are relevant to the person's deviant behavior.

31 (I) Agreement to consent to a search of the person or the vehicle or residence of the person  
32 upon the request of a representative of the board or supervisory authority if the representative has  
33 reasonable grounds to believe that evidence of a violation of a condition of post-prison supervision  
34 will be found.

35 (J) Participation in random polygraph examinations to obtain information for risk management  
36 and treatment. The person is responsible for paying the expenses of the examinations. The results  
37 of a polygraph examination under this subparagraph may not be used in evidence in a hearing to  
38 prove a violation of post-prison supervision.

39 (K) Maintenance of a driving log and a prohibition against driving a motor vehicle alone unless  
40 approved by the board, supervisory authority or supervising officer.

41 (L) A prohibition against using a post-office box unless approved by the board, supervisory au-  
42 thority or supervising officer.

43 (M) A prohibition against residing in any dwelling in which another sex offender who is on  
44 probation, parole or post-prison supervision resides unless approved by the board, supervisory au-  
45 thority or supervising officer, or in which more than one other sex offender who is on probation,

1 parole or post-prison supervision resides unless approved by the board or the director of the super-  
2 visory authority, or a designee of the board or director. As soon as practicable, the supervising of-  
3 ficer of a person subject to the requirements of this subparagraph shall review the person's living  
4 arrangement with the person's sex offender treatment provider to ensure that the arrangement  
5 supports the goals of offender rehabilitation and community safety. As used in this subparagraph:

6 (i) "Dwelling" has the meaning given that term in ORS 469.160.

7 (ii) "Dwelling" does not include a residential treatment facility or a halfway house.

8 (iii) "Halfway house" means a publicly or privately operated profit or nonprofit residential fa-  
9 cility that provides rehabilitative care and treatment for sex offenders.

10 (c)(A) If the person is on post-prison supervision following conviction of a sex crime, as defined  
11 in ORS 181.594, or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18  
12 years of age, the board or supervisory authority, if requested by the victim, shall include as a special  
13 condition of the person's post-prison supervision that the person not reside within three miles of the  
14 victim unless:

15 (i) The victim resides in a county having a population of less than 130,000 and the person is  
16 required to reside in that county under subsection (6) of this section;

17 (ii) The person demonstrates to the board or supervisory authority by a preponderance of the  
18 evidence that no mental intimidation or pressure was brought to bear during the commission of the  
19 crime;

20 (iii) The person demonstrates to the board or supervisory authority by a preponderance of the  
21 evidence that imposition of the condition will deprive the person of a residence that would be  
22 materially significant in aiding in the rehabilitation of the person or in the success of the post-prison  
23 supervision; or

24 (iv) The person resides in a halfway house. As used in this sub-subparagraph, "halfway house"  
25 means a publicly or privately operated profit or nonprofit residential facility that provides  
26 rehabilitative care and treatment for sex offenders.

27 (B) A victim may request imposition of the special condition of post-prison supervision described  
28 in this paragraph at the time of sentencing in person or through the prosecuting attorney. A victim's  
29 request may be included in the judgment document.

30 (C) If the board or supervisory authority imposes the special condition of post-prison supervision  
31 described in this paragraph and if at any time during the period of post-prison supervision the victim  
32 moves to within three miles of the person's residence, the board or supervisory authority may not  
33 require the person to change the person's residence in order to comply with the special condition  
34 of post-prison supervision.

35 (4)(a) The board or supervisory authority may require the person to pay, as a condition of  
36 post-prison supervision, any compensatory fines, restitution or attorney fees:

37 (A) As determined, imposed or required by the sentencing court; or

38 (B) When previously required as a condition of any type of supervision that is later revoked.

39 (b) The board may require a person to pay restitution as a condition of post-prison supervision  
40 imposed for an offense other than the offense for which the restitution was ordered if the person:

41 (A) Was ordered to pay restitution as a result of another conviction; and

42 (B) Has not fully paid the restitution by the time the person has completed the period of post-  
43 prison supervision imposed for the offense for which the restitution was ordered.

44 (5) A person's failure to apply for or accept employment at any workplace where there is a labor  
45 dispute in progress does not constitute a violation of the conditions of post-prison supervision. As

1 used in this subsection, “labor dispute” has the meaning given that term in ORS 662.010.

2 (6)(a) When a person is released from imprisonment on post-prison supervision, the board shall  
 3 order, as a condition of post-prison supervision, that the person reside for the first six months after  
 4 release in the county where the person resided at the time of the offense that resulted in the  
 5 imprisonment.

6 (b) Upon motion of the board, the person, a victim or a district attorney, the board may waive  
 7 the residency requirement only after making a finding that one of the following conditions has been  
 8 met:

9 (A) The person provides proof of employment with no set ending date in a county other than the  
 10 established county of residence;

11 (B) The person is found to pose a significant danger to a victim of the person’s crime, or a vic-  
 12 tim or victim’s family is found to pose a significant danger to the person residing in the established  
 13 county of residence;

14 (C) The person has a spouse or biological or adoptive family residing in a county other than the  
 15 established county of residence who will be materially significant in aiding in the rehabilitation of  
 16 the person and in the success of the post-prison supervision;

17 (D) As another condition of post-prison supervision, the person is required to participate in a  
 18 treatment program that is not available in the established county of residence;

19 (E) The person desires to be released to another state; or

20 (F) The board finds other good cause, of a nature similar to the other conditions listed in this  
 21 paragraph, for the waiver.

22 (c)(A) The board shall determine the county where the person resided at the time of the offense  
 23 by establishing the person’s last address at the time of the offense. In making its determination, the  
 24 board shall examine all of the following:

25 (i) An Oregon driver license, regardless of its validity;

26 (ii) Records maintained by the Department of Revenue;

27 (iii) Records maintained by the Department of State Police [*bureau of criminal identification*];

28 (iv) Records maintained by the Department of Human Services;

29 (v) Records maintained by the Department of Corrections; and

30 (vi) Records maintained by the Oregon Health Authority.

31 (B) When the person did not have an identifiable address of record at the time of the offense,  
 32 the person is considered to have resided in the county where the offense occurred.

33 (C) If the person is serving multiple sentences, the county of residence shall be determined ac-  
 34 cording to the date of the last arrest resulting in a conviction.

35 (D) In determining the person’s county of residence for purposes of this subsection, the board  
 36 may not consider offenses committed by the person while the person was incarcerated in a Depart-  
 37 ment of Corrections facility.

38 (7) As used in this section, “attends,” “institution of higher education,” “works” and “carries  
 39 on a vocation” have the meanings given those terms in ORS 181.594.

40 **SECTION 3.** ORS 144.270 is amended to read:

41 144.270. (1) The State Board of Parole and Post-Prison Supervision, in releasing a person on  
 42 parole, shall specify in writing the conditions of the parole and a copy of such conditions shall be  
 43 given to the person paroled.

44 (2) The board shall determine, and may at any time modify, the conditions of parole, which may  
 45 include, among other conditions, that the parolee shall:

- 1 (a) Accept the parole granted subject to all terms and conditions specified by the board.
- 2 (b) Be under the supervision of the Department of Corrections and its representatives and abide
- 3 by their direction and counsel.
- 4 (c) Answer all reasonable inquiries of the board or the parole officer.
- 5 (d) Report to the parole officer as directed by the board or parole officer.
- 6 (e) Not own, possess or be in control of any weapon.
- 7 (f) Respect and obey all municipal, county, state and federal laws.
- 8 (g) Understand that the board may, in its discretion, suspend or revoke parole if it determines
- 9 that the parole is not in the best interest of the parolee, or in the best interest of society.
- 10 (3)(a) The board may establish such special conditions as it determines are necessary because
- 11 of the individual circumstances of the parolee.
- 12 (b) If the person is on parole following conviction of a sex crime, as defined in ORS 181.594, the
- 13 board shall include all of the following as special conditions of the person's parole:
- 14 (A) Agreement to comply with any curfew set by the board or the supervising officer.
- 15 (B) A prohibition against contacting a person under 18 years of age without the prior written
- 16 approval of the board or supervising officer.
- 17 (C) A prohibition against being present more than one time, without the prior written approval
- 18 of the board or supervising officer, at a place where persons under 18 years of age regularly con-
- 19 gregate.
- 20 (D) In addition to the prohibition under subparagraph (C) of this paragraph, a prohibition
- 21 against being present, without the prior written approval of the board or supervising officer, at, or
- 22 on property adjacent to, a school, child care center, playground or other place intended for use
- 23 primarily by persons under 18 years of age.
- 24 (E) A prohibition against working or volunteering at a school, child care center, park, play-
- 25 ground or other place where persons under 18 years of age regularly congregate.
- 26 (F) Entry into and completion of or successful discharge from a sex offender treatment program
- 27 approved by the board or supervising officer. The program may include polygraph and
- 28 plethysmograph testing. The person is responsible for paying for the treatment program.
- 29 (G) A prohibition against any contact with the victim, directly or indirectly, unless approved
- 30 by the victim, the person's treatment provider and the board or supervising officer.
- 31 (H) Unless otherwise indicated for the treatment required under subparagraph (F) of this para-
- 32 graph, a prohibition against viewing, listening to, owning or possessing any sexually stimulating
- 33 visual or auditory materials that are relevant to the person's deviant behavior.
- 34 (I) Agreement to consent to a search of the person or the vehicle or residence of the person
- 35 upon the request of a representative of the board if the representative has reasonable grounds to
- 36 believe that evidence of a violation of a condition of parole will be found.
- 37 (J) Participation in random polygraph examinations to obtain information for risk management
- 38 and treatment. The person is responsible for paying the expenses of the examinations. The results
- 39 of a polygraph examination under this subparagraph may not be used in evidence in a hearing to
- 40 prove a violation of parole.
- 41 (K) Maintenance of a driving log and a prohibition against driving a motor vehicle alone unless
- 42 approved by the board or supervising officer.
- 43 (L) A prohibition against using a post-office box unless approved by the board or supervising
- 44 officer.
- 45 (M) A prohibition against residing in any dwelling in which another sex offender who is on

1 probation, parole or post-prison supervision resides unless approved by the board or supervising of-  
 2 ficer, or in which more than one other sex offender who is on probation, parole or post-prison  
 3 supervision resides unless approved by the board or a designee of the board. As soon as practicable,  
 4 the supervising officer of a person subject to the requirements of this subparagraph shall review the  
 5 person's living arrangement with the person's sex offender treatment provider to ensure that the  
 6 arrangement supports the goals of offender rehabilitation and community safety. As used in this  
 7 subparagraph:

8 (i) "Dwelling" has the meaning given that term in ORS 469.160.

9 (ii) "Dwelling" does not include a residential treatment facility or a halfway house.

10 (iii) "Halfway house" means a publicly or privately operated profit or nonprofit residential fa-  
 11 cility that provides rehabilitative care and treatment for sex offenders.

12 (c)(A) If the person is on parole following conviction of a sex crime, as defined in ORS 181.594,  
 13 or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18 years of age, the  
 14 board, if requested by the victim, shall include as a special condition of the person's parole that the  
 15 person not reside within three miles of the victim unless:

16 (i) The victim resides in a county having a population of less than 130,000 and the person is  
 17 required to reside in that county under subsection (5) of this section;

18 (ii) The person demonstrates to the board by a preponderance of the evidence that no mental  
 19 intimidation or pressure was brought to bear during the commission of the crime;

20 (iii) The person demonstrates to the board by a preponderance of the evidence that imposition  
 21 of the condition will deprive the person of a residence that would be materially significant in aiding  
 22 in the rehabilitation of the person or in the success of the parole; or

23 (iv) The person resides in a halfway house. As used in this sub-subparagraph, "halfway house"  
 24 means a publicly or privately operated profit or nonprofit residential facility that provides  
 25 rehabilitative care and treatment for sex offenders.

26 (B) A victim may request imposition of the special condition of parole described in this para-  
 27 graph at the time of sentencing in person or through the prosecuting attorney. A victim's request  
 28 may be included in the judgment document.

29 (C) If the board imposes the special condition of parole described in this paragraph and if at any  
 30 time during the period of parole the victim moves to within three miles of the parolee's residence,  
 31 the board may not require the parolee to change the parolee's residence in order to comply with the  
 32 special condition of parole.

33 (4) It is not a cause for revocation of parole that the parolee failed to apply for or accept em-  
 34 ployment at any workplace where there is a labor dispute in progress. As used in this subsection,  
 35 "labor dispute" has the meaning given that term in ORS 662.010.

36 (5)(a) When the board grants an inmate parole from the custody of the Department of Cor-  
 37 rections, the board shall order, as a condition of parole, that the inmate reside for the first six  
 38 months in the county where the inmate resided at the time of the offense that resulted in the  
 39 imprisonment.

40 (b) Upon motion of the board, an inmate, a victim or a district attorney, the board may waive  
 41 the residency requirement only after making a finding that one of the following conditions has been  
 42 met:

43 (A) The inmate provides proof of a job with no set ending date in a county other than the es-  
 44 tablished county of residence;

45 (B) The inmate is found to pose a significant danger to the victim of the offender's crime, or the

1 victim or victim’s family is found to pose a significant danger to the inmate residing in the county  
 2 of residence;

3 (C) The inmate has a spouse or biological or adoptive family residing in other than the county  
 4 of residence who will be materially significant in aiding in the rehabilitation of the offender and in  
 5 the success of the parole;

6 (D) As another condition of parole, the inmate is required to participate in a treatment program  
 7 that is not available or located in the county of residence;

8 (E) The inmate desires to be paroled to another state; or

9 (F) The board finds other good cause, of a nature similar to the other conditions listed in this  
 10 paragraph, for the waiver.

11 (c)(A) For purposes of this subsection, “residency” means the last address at the time of the  
 12 offense, as established by an examination of all of the following:

- 13 (i) An Oregon driver license, regardless of its validity;
- 14 (ii) Records maintained by the Department of Revenue;
- 15 (iii) Records maintained by the Department of State Police [*bureau of criminal identification*];
- 16 (iv) Records maintained by the Department of Human Services;
- 17 (v) Records maintained by the Department of Corrections; and
- 18 (vi) Records maintained by the Oregon Health Authority.

19 (B) When an inmate did not have one identifiable address of record at the time of the offense,  
 20 the inmate shall be considered to have resided in the county where the offense occurred.

21 (C) If the inmate is serving multiple sentences, the county of residence shall be determined ac-  
 22 cording to the date of the last arrest resulting in a conviction.

23 (D) If the inmate is being rereleased after revocation of parole, the county of residence shall  
 24 be determined according to the date of the arrest resulting in a conviction of the underlying offense.

25 (E) In determining the inmate’s county of residence, a conviction for an offense that the inmate  
 26 committed while incarcerated in a state [*corrections*] **correctional** institution may not be considered.

27 (6) When the board grants an inmate parole from the custody of the Department of Corrections  
 28 and if the inmate is required to report as a sex offender under ORS 181.595, the board, as a condi-  
 29 tion of parole, shall order the inmate to report with the Department of State Police, a city police  
 30 department, a county sheriff’s office or the supervising agency:

- 31 (a) When supervision begins;
- 32 (b) Within 10 days of a change in residence;
- 33 (c) Once each year within 10 days of the inmate’s date of birth;
- 34 (d) Within 10 days of the first day the person works at, carries on a vocation at or attends an  
 35 institution of higher education; and
- 36 (e) Within 10 days of a change in work, vocation or attendance status at an institution of higher  
 37 education.

38 (7) As used in this section, “attends,” “institution of higher education,” “works” and “carries  
 39 on a vocation” have the meanings given those terms in ORS 181.594.

40 **NOTE:** Section 4 was deleted. Subsequent sections were not renumbered.

41 **SECTION 5.** ORS 166.274, as amended by section 19, chapter 826, Oregon Laws 2009, and sec-  
 42 tion 2, chapter 86, Oregon Laws 2010, is amended to read:

43 166.274. (1) A person barred from possessing or purchasing a firearm may file a petition for relief  
 44 from the bar in accordance with subsection (2) of this section if:

- 45 (a) The person is barred from possessing a firearm under ORS 166.250 (1)(c)(A) to (C) or 166.270;

1 or

2 (b) The person is barred from purchasing a firearm under ORS 166.470 (1)(a) to (d) or (g).

3 (2) A petition for relief described in this section must be filed in the circuit court in the  
4 petitioner's county of residence.

5 (3) A person may apply once per calendar year for relief under the provisions of this section.

6 (4)(a) A person petitioning for relief under this section shall serve a copy of the petition on:

7 (A) The city chief of police if the court in which the petition is filed is located in a city; or

8 (B) The sheriff of the county in which the court is located.

9 (b) The copy of the petition shall be served on the chief of police or sheriff at the same time the  
10 petition is filed at the court.

11 (5)(a) When a petition is denied, the judge shall cause that information to be entered into the  
12 Department of State Police computerized criminal history files.

13 (b) When a petition is granted, the judge shall cause that information and a fingerprint card of  
14 the petitioner to be entered into the Department of State Police computerized criminal history files.  
15 If, after a petition is granted, the petitioner is arrested and convicted of a crime that would dis-  
16 qualify the petitioner from purchasing or possessing a firearm, the Department of State Police shall  
17 notify the court that granted relief under this section. The court shall review the order granting  
18 relief and determine whether to rescind the order. The Department of State Police may [*charge a*  
19 *reasonable fee, under ORS 192.440, for the entry and maintenance of information under this section*]  
20 **establish by rule a fee schedule to cover the costs of obtaining, maintaining and providing**  
21 **the records and information described in this section.**

22 (6) Notwithstanding the provisions of ORS 9.320, a corporation, the state or any city, county,  
23 district or other political subdivision or public corporation in this state, without appearance by at-  
24 torney, may appear as a party to an action under this section.

25 (7) If the petitioner seeks relief from the bar on possessing or purchasing a firearm, relief shall  
26 be granted when the petitioner demonstrates, by clear and convincing evidence, that the petitioner  
27 does not pose a threat to the safety of the public or the petitioner.

28 (8) A person barred from possessing or purchasing a firearm because the person, while a minor,  
29 was found to be within the jurisdiction of the juvenile court for committing an act which, if com-  
30 mitted by an adult, would have constituted a felony or a misdemeanor involving violence, is not el-  
31 igible to petition for relief under this section until more than four years have passed since the  
32 person was discharged from the jurisdiction of the juvenile court.

33 (9) Petitions filed under this section shall be heard and disposed of within 15 judicial days of  
34 filing or as soon as is practicable thereafter, but not more than 30 days thereafter. The judge shall  
35 then make findings and conclusions and issue a judgment based on the findings and conclusions in  
36 accordance with the requirements of law.

37 (10) Filing fees shall be as for any civil action filed in the court.

38 (11)(a) Initial appeals of petitions shall be heard de novo.

39 (b) Any party to a judgment under this subsection may appeal to the Court of Appeals in the  
40 same manner as for any other civil action.

41 (c) If the governmental entity files an appeal under this subsection and does not prevail, it shall  
42 be ordered to pay the attorney fees for the prevailing party.

43 **SECTION 6.** ORS 166.274, as amended by sections 19 and 20, chapter 826, Oregon Laws 2009,  
44 and section 3, chapter 86, Oregon Laws 2010, is amended to read:

45 166.274. (1) A person barred from possessing a firearm under ORS 166.250 (1)(c)(A) to (E) or

1 166.270 or barred from purchasing a firearm under ORS 166.470 (1)(a) to (g) may file a petition for  
 2 relief from the bar in the circuit court in the petitioner's county of residence.

3 (2) A person may apply once per calendar year for relief under the provisions of this section.

4 (3)(a) A person petitioning for relief under this section shall serve a copy of the petition on:

5 (A) The city chief of police if the court in which the petition is filed is located in a city; or

6 (B) The sheriff of the county in which the court is located.

7 (b) The copy of the petition shall be served on the chief of police or sheriff at the same time the  
 8 petition is filed at the court.

9 (4)(a) When a petition is denied, the judge shall cause that information to be entered into the  
 10 Department of State Police computerized criminal history files.

11 (b) When a petition is granted, the judge shall cause that information and a fingerprint card of  
 12 the petitioner to be entered into the Department of State Police computerized criminal history files.  
 13 If, after a petition is granted, the petitioner is arrested and convicted of a crime that would dis-  
 14 qualify the petitioner from purchasing or possessing a firearm, the Department of State Police shall  
 15 notify the court that granted relief under this section. The court shall review the order granting  
 16 relief and determine whether to rescind the order. The Department of State Police may [*charge a*  
 17 *reasonable fee, under ORS 192.440, for the entry and maintenance of information under this section*]  
 18 **establish by rule a fee schedule to cover the costs of obtaining, maintaining and providing**  
 19 **the records and information described in this section.**

20 (5) Notwithstanding the provisions of ORS 9.320, a corporation, the state or any city, county,  
 21 district or other political subdivision or public corporation in this state, without appearance by at-  
 22 torney, may appear as a party to an action under this section.

23 (6) If the petitioner seeks relief from the bar on possessing or purchasing a firearm, relief shall  
 24 be granted when the petitioner demonstrates, by clear and convincing evidence, that the petitioner  
 25 does not pose a threat to the safety of the public or the petitioner.

26 (7) A person barred from possessing or purchasing a firearm because the person, while a minor,  
 27 was found to be within the jurisdiction of the juvenile court for committing an act which, if com-  
 28 mitted by an adult, would have constituted a felony or a misdemeanor involving violence, is not el-  
 29 igible to petition for relief under this section until more than four years have passed since the  
 30 person was discharged from the jurisdiction of the juvenile court.

31 (8) Petitions filed under this section shall be heard and disposed of within 15 judicial days of  
 32 filing or as soon as is practicable thereafter, but not more than 30 days thereafter. The judge shall  
 33 then make findings and conclusions and issue a judgment based on the findings and conclusions in  
 34 accordance with the requirements of law.

35 (9) Filing fees shall be as for any civil action filed in the court.

36 (10)(a) Initial appeals of petitions shall be heard de novo.

37 (b) Any party to a judgment under this subsection may appeal to the Court of Appeals in the  
 38 same manner as for any other civil action.

39 (c) If the governmental entity files an appeal under this subsection and does not prevail, it shall  
 40 be ordered to pay the attorney fees for the prevailing party.

41 **NOTE:** Section 7 was deleted. Subsequent sections were not renumbered.

42 **SECTION 8.** ORS 166.291, as amended by section 7, chapter 826, Oregon Laws 2009, is amended  
 43 to read:

44 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed  
 45 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set

1 out in this section, shall issue the person a concealed handgun license if the person:

2 (a)(A) Is a citizen of the United States; or

3 (B) Is a legal resident alien who can document continuous residency in the county for at least  
 4 six months and has declared in writing to the United States Citizenship and Immigration Services  
 5 the intent to acquire citizenship status and can present proof of the written declaration to the  
 6 sheriff at the time of application for the license;

7 (b) Is at least 21 years of age;

8 (c) Is a resident of the county;

9 (d) Has no outstanding warrants for arrest;

10 (e) Is not free on any form of pretrial release;

11 (f) Demonstrates competence with a handgun by any one of the following:

12 (A) Completion of any hunter education or hunter safety course approved by the State Depart-  
 13 ment of Fish and Wildlife or a similar agency of another state if handgun safety was a component  
 14 of the course;

15 (B) Completion of any National Rifle Association firearms safety or training course if handgun  
 16 safety was a component of the course;

17 (C) Completion of any firearms safety or training course or class available to the general public  
 18 offered by law enforcement, community college, or private or public institution or organization or  
 19 firearms training school utilizing instructors certified by the National Rifle Association or a law  
 20 enforcement agency if handgun safety was a component of the course;

21 (D) Completion of any law enforcement firearms safety or training course or class offered for  
 22 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-  
 23 cers if handgun safety was a component of the course;

24 (E) Presents evidence of equivalent experience with a handgun through participation in organ-  
 25 ized shooting competition or military service;

26 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been  
 27 revoked; or

28 (G) Completion of any firearms training or safety course or class conducted by a firearms in-  
 29 structor certified by a law enforcement agency or the National Rifle Association if handgun safety  
 30 was a component of the course;

31 (g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295,  
 32 of a felony;

33 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS  
 34 161.295, of a misdemeanor within the four years prior to the application;

35 (i) Has not been committed to the Oregon Health Authority under ORS 426.130;

36 (j) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that  
 37 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

38 (k) Has been discharged from the jurisdiction of the juvenile court for more than four years if,  
 39 while a minor, the person was found to be within the jurisdiction of the juvenile court for having  
 40 committed an act that, if committed by an adult, would constitute a felony or a misdemeanor in-  
 41 volving violence, as defined in ORS 166.470;

42 (L) Has not been convicted of an offense involving controlled substances or participated in a  
 43 court-supervised drug diversion program, except this disability does not operate to exclude a person  
 44 if:

45 (A) The person has been convicted only once of violating ORS 475.864 (3) and has not completed

1 a court-supervised drug diversion program under ORS 135.907; or

2 (B) The person has completed a court-supervised drug diversion program under ORS 135.907 and  
3 has not been convicted of violating ORS 475.864 (3);

4 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,  
5 107.700 to 107.735 or 163.738;

6 (n) Has not received a dishonorable discharge from the Armed Forces of the United States; and

7 (o) Is not required to register as a sex offender in any state.

8 (2) A person who has been granted relief under ORS 166.274 or 166.293 or section 5, chapter 826,  
9 Oregon Laws 2009, or 18 U.S.C. 925(c) or has had the person’s record expunged under the laws of  
10 this state or equivalent laws of other jurisdictions is not subject to the disabilities in subsection  
11 (1)(g) to (L) of this section.

12 (3) Before the sheriff may issue a license:

13 (a) The application must state the applicant’s legal name, current address and telephone number,  
14 date and place of birth, hair and eye color and height and weight. The application must also list the  
15 applicant’s residence address or addresses for the previous three years. The application must contain  
16 a statement by the applicant that the applicant meets the requirements of subsection (1) of this  
17 section. The application may include the Social Security number of the applicant if the applicant  
18 voluntarily provides this number. The application must be signed by the applicant.

19 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff  
20 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to  
21 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal  
22 records check is necessary, the sheriff shall request the Department of State Police to conduct the  
23 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal  
24 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records  
25 check and may not keep any record of the fingerprints. The Department of State Police shall report  
26 the results of the fingerprint-based criminal records check to the sheriff. The Department of State  
27 Police shall also furnish the sheriff with any information about the applicant that the Department  
28 of State Police may have in its possession [*from its central bureau of criminal identification*] includ-  
29 ing, but not limited to, manual or computerized criminal offender information.

30 (4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon re-  
31 quest. The forms shall be uniform throughout the state in substantially the following form:

32  
33  
34 APPLICATION FOR LICENSE TO CARRY  
35 CONCEALED HANDGUN

36 Date \_\_\_\_\_

37 I hereby declare as follows:

38 I am a citizen of the United States or a legal resident alien who can document continuous res-  
39 idency in the county for at least six months and have declared in writing to the United States Cit-  
40 izenship and Immigration Services my intention to become a citizen and can present proof of the  
41 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have  
42 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-  
43 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,  
44 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined  
45 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under

1 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,  
2 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a  
3 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-  
4 volving controlled substances or completed a court-supervised drug diversion program. There are  
5 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not  
6 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found mentally  
7 ill and presently subject to an order prohibiting me from purchasing or possessing a firearm because  
8 of mental illness. If any of the previous conditions do apply to me, I have been granted relief or wish  
9 to petition for relief from the disability under ORS 166.274 or 166.293 or section 5, chapter 826,  
10 Oregon Laws 2009, or 18 U.S.C. 925(c) or have had the records expunged. I am not subject to a ci-  
11 tation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738.  
12 I have never received a dishonorable discharge from the Armed Forces of the United States. I am  
13 not required to register as a sex offender in any state. I understand I will be fingerprinted and  
14 photographed.

15

16 Legal name \_\_\_\_\_  
17 Age \_\_\_\_\_ Date of birth \_\_\_\_\_  
18 Place of birth \_\_\_\_\_  
19 Social Security number \_\_\_\_\_

20 (Disclosure of your Social Security account number is voluntary. Solicitation of the number is au-  
21 thorized under ORS 166.291. It will be used only as a means of identification.)

22

23 Proof of identification (Two pieces of current identification are required, one of which must bear a  
24 photograph of the applicant. The type of identification and the number on the identification are to  
25 be filled in by the sheriff.):

- 26 1. \_\_\_\_\_
- 27 2. \_\_\_\_\_

28

29 Height \_\_\_\_\_ Weight \_\_\_\_\_  
30 Hair color \_\_\_\_\_ Eye color \_\_\_\_\_

31

32 Current address \_\_\_\_\_

33

(List residence addresses for the  
past three years on the back.)

34

35

36 City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

37 Phone \_\_\_\_\_

38

39 I have read the entire text of this application, and the statements therein are correct and true.  
40 (Making false statements on this application is a misdemeanor.)

41

\_\_\_\_\_  
(Signature of Applicant)

42

43

44 Character references.

45 \_\_\_\_\_

1                   Name                   Address  
2 \_\_\_\_\_

3                   Name                   Address  
4 \_\_\_\_\_

5 Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ by \_\_\_\_\_

6  
7 Competence with handgun demonstrated by \_\_\_\_\_ (to be filled in by sheriff)

8 Date \_\_\_\_\_ Fee Paid \_\_\_\_\_

9 License No. \_\_\_\_\_  
10 \_\_\_\_\_

11  
12 (5)(a) Fees for concealed handgun licenses are:

13 [(A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.]

14 (A) **The amount established by the Department of State Police by rule to cover the costs**  
15 **of obtaining, maintaining and providing the records and information described in this section.**

16 (B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.

17 (C) \$15 to the sheriff for the duplication of a license because of loss or change of address.

18 (b) The sheriff may enter into an agreement with the Department of Transportation to produce  
19 the concealed handgun license.

20 (6) No civil or criminal liability shall attach to the sheriff or any authorized representative en-  
21 gaged in the receipt and review of, or an investigation connected with, any application for, or in the  
22 issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful  
23 performance of duties under those sections.

24 (7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff  
25 shall enter the applicant's name into the Law Enforcement Data System indicating that the person  
26 is an applicant for a concealed handgun license or is a license holder.

27 (8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section  
28 for a resident of a contiguous state who has a compelling business interest or other legitimate  
29 demonstrated need.

30 (9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the  
31 person:

32 (a) Has a current Oregon driver license issued to the person showing a residence address in the  
33 county;

34 (b) Is registered to vote in the county and has a memorandum card issued to the person under  
35 ORS 247.181 showing a residence address in the county;

36 (c) Has documentation showing that the person currently leases or owns real property in the  
37 county; or

38 (d) Has documentation showing that the person filed an Oregon tax return for the most recent  
39 tax year showing a residence address in the county.

40 **SECTION 9.** ORS 166.291, as amended by sections 7 and 10, chapter 826, Oregon Laws 2009, is  
41 amended to read:

42 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed  
43 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set  
44 out in this section, shall issue the person a concealed handgun license if the person:

45 (a)(A) Is a citizen of the United States; or

1 (B) Is a legal resident alien who can document continuous residency in the county for at least  
 2 six months and has declared in writing to the United States Citizenship and Immigration Services  
 3 the intent to acquire citizenship status and can present proof of the written declaration to the  
 4 sheriff at the time of application for the license;

5 (b) Is at least 21 years of age;

6 (c) Is a resident of the county;

7 (d) Has no outstanding warrants for arrest;

8 (e) Is not free on any form of pretrial release;

9 (f) Demonstrates competence with a handgun by any one of the following:

10 (A) Completion of any hunter education or hunter safety course approved by the State Depart-  
 11 ment of Fish and Wildlife or a similar agency of another state if handgun safety was a component  
 12 of the course;

13 (B) Completion of any National Rifle Association firearms safety or training course if handgun  
 14 safety was a component of the course;

15 (C) Completion of any firearms safety or training course or class available to the general public  
 16 offered by law enforcement, community college, or private or public institution or organization or  
 17 firearms training school utilizing instructors certified by the National Rifle Association or a law  
 18 enforcement agency if handgun safety was a component of the course;

19 (D) Completion of any law enforcement firearms safety or training course or class offered for  
 20 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-  
 21 cers if handgun safety was a component of the course;

22 (E) Presents evidence of equivalent experience with a handgun through participation in organ-  
 23 ized shooting competition or military service;

24 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been  
 25 revoked; or

26 (G) Completion of any firearms training or safety course or class conducted by a firearms in-  
 27 structor certified by a law enforcement agency or the National Rifle Association if handgun safety  
 28 was a component of the course;

29 (g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295,  
 30 of a felony;

31 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS  
 32 161.295, of a misdemeanor within the four years prior to the application;

33 (i) Has not been committed to the Oregon Health Authority under ORS 426.130;

34 (j) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that  
 35 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

36 (k) Has been discharged from the jurisdiction of the juvenile court for more than four years if,  
 37 while a minor, the person was found to be within the jurisdiction of the juvenile court for having  
 38 committed an act that, if committed by an adult, would constitute a felony or a misdemeanor in-  
 39 volving violence, as defined in ORS 166.470;

40 (L) Has not been convicted of an offense involving controlled substances or participated in a  
 41 court-supervised drug diversion program, except this disability does not operate to exclude a person  
 42 if:

43 (A) The person has been convicted only once of violating ORS 475.864 (3) and has not completed  
 44 a court-supervised drug diversion program under ORS 135.907; or

45 (B) The person has completed a court-supervised drug diversion program under ORS 135.907 and

1 has not been convicted of violating ORS 475.864 (3);

2 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,  
3 107.700 to 107.735 or 163.738;

4 (n) Has not received a dishonorable discharge from the Armed Forces of the United States; and

5 (o) Is not required to register as a sex offender in any state.

6 (2) A person who has been granted relief under ORS 166.274 or 166.293 or 18 U.S.C. 925(c) or  
7 has had the person’s record expunged under the laws of this state or equivalent laws of other ju-  
8 risdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

9 (3) Before the sheriff may issue a license:

10 (a) The application must state the applicant’s legal name, current address and telephone number,  
11 date and place of birth, hair and eye color and height and weight. The application must also list the  
12 applicant’s residence address or addresses for the previous three years. The application must contain  
13 a statement by the applicant that the applicant meets the requirements of subsection (1) of this  
14 section. The application may include the Social Security number of the applicant if the applicant  
15 voluntarily provides this number. The application must be signed by the applicant.

16 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff  
17 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to  
18 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal  
19 records check is necessary, the sheriff shall request the Department of State Police to conduct the  
20 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal  
21 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records  
22 check and may not keep any record of the fingerprints. The Department of State Police shall report  
23 the results of the fingerprint-based criminal records check to the sheriff. The Department of State  
24 Police shall also furnish the sheriff with any information about the applicant that the Department  
25 of State Police may have in its possession [*from its central bureau of criminal identification*] includ-  
26 ing, but not limited to, manual or computerized criminal offender information.

27 (4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon re-  
28 quest. The forms shall be uniform throughout the state in substantially the following form:

29 \_\_\_\_\_  
30  
31 APPLICATION FOR LICENSE TO CARRY  
32 CONCEALED HANDGUN

33 Date\_\_\_\_\_

34 I hereby declare as follows:

35 I am a citizen of the United States or a legal resident alien who can document continuous res-  
36 idency in the county for at least six months and have declared in writing to the United States Cit-  
37 izenship and Immigration Services my intention to become a citizen and can present proof of the  
38 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have  
39 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-  
40 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,  
41 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined  
42 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under  
43 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,  
44 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a  
45 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-

1 volving controlled substances or completed a court-supervised drug diversion program. There are  
2 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not  
3 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found mentally  
4 ill and presently subject to an order prohibiting me from purchasing or possessing a firearm because  
5 of mental illness. If any of the previous conditions do apply to me, I have been granted relief or wish  
6 to petition for relief from the disability under ORS 166.274 or 166.293 or 18 U.S.C. 925(c) or have  
7 had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order is-  
8 sued under ORS 30.866, 107.700 to 107.735 or 163.738. I have never received a dishonorable discharge  
9 from the Armed Forces of the United States. I am not required to register as a sex offender in any  
10 state. I understand I will be fingerprinted and photographed.

11

12 Legal name \_\_\_\_\_  
13 Age \_\_\_\_\_ Date of birth \_\_\_\_\_  
14 Place of birth \_\_\_\_\_  
15 Social Security number \_\_\_\_\_

16 (Disclosure of your Social Security account number is voluntary. Solicitation of the number is au-  
17 thorized under ORS 166.291. It will be used only as a means of identification.)

18

19 Proof of identification (Two pieces of current identification are required, one of which must bear a  
20 photograph of the applicant. The type of identification and the number on the identification are to  
21 be filled in by the sheriff.):

- 22 1. \_\_\_\_\_
- 23 2. \_\_\_\_\_

24

25 Height \_\_\_\_\_ Weight \_\_\_\_\_  
26 Hair color \_\_\_\_\_ Eye color \_\_\_\_\_

27

28 Current address \_\_\_\_\_

(List residence addresses for the  
past three years on the back.)

29

30  
31  
32 City \_\_\_\_\_ County \_\_\_\_\_ Zip \_\_\_\_\_

33 Phone \_\_\_\_\_

34

35 I have read the entire text of this application, and the statements therein are correct and true.  
36 (Making false statements on this application is a misdemeanor.)

37

\_\_\_\_\_  
(Signature of Applicant)

38

39

40 Character references.

41

\_\_\_\_\_  
Name Address

42

43

\_\_\_\_\_  
Name Address

44

45

1 Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ by \_\_\_\_\_

2

3 Competence with handgun demonstrated by \_\_\_\_\_ (to be filled in by sheriff)

4 Date \_\_\_\_\_ Fee Paid \_\_\_\_\_

5 License No. \_\_\_\_\_

6

7

8 (5)(a) Fees for concealed handgun licenses are:

9 [(A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.]

10 (A) **The amount established by the Department of State Police by rule to cover the costs**  
11 **of obtaining, maintaining and providing the records and information described in this section.**

12 (B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.

13 (C) \$15 to the sheriff for the duplication of a license because of loss or change of address.

14 (b) The sheriff may enter into an agreement with the Department of Transportation to produce  
15 the concealed handgun license.

16 (6) No civil or criminal liability shall attach to the sheriff or any authorized representative en-  
17 gaged in the receipt and review of, or an investigation connected with, any application for, or in the  
18 issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful  
19 performance of duties under those sections.

20 (7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff  
21 shall enter the applicant’s name into the Law Enforcement Data System indicating that the person  
22 is an applicant for a concealed handgun license or is a license holder.

23 (8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section  
24 for a resident of a contiguous state who has a compelling business interest or other legitimate  
25 demonstrated need.

26 (9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the  
27 person:

28 (a) Has a current Oregon driver license issued to the person showing a residence address in the  
29 county;

30 (b) Is registered to vote in the county and has a memorandum card issued to the person under  
31 ORS 247.181 showing a residence address in the county;

32 (c) Has documentation showing that the person currently leases or owns real property in the  
33 county; or

34 (d) Has documentation showing that the person filed an Oregon tax return for the most recent  
35 tax year showing a residence address in the county.

36 **SECTION 10.** ORS 166.414 is amended to read:

37 166.414. [(1)] The Department of State Police may adopt a fee schedule for criminal history re-  
38 cord checks required under ORS 166.412, **166.434, 166.436 and 166.438** and collect a fee for each  
39 criminal history record check requested. The fee schedule shall be calculated to [*recover the cost of*  
40 *performing criminal history record checks required under ORS 166.412, but may not exceed \$10 per*  
41 *record check*] **cover the costs of obtaining, maintaining and providing the records and infor-**  
42 **mation described in ORS 166.412, 166.434, 166.436 and 166.438.**

43 [(2) *Fees collected under this section shall be paid into the State Treasury and deposited in the*  
44 *General Fund to the credit of the State Police Account.*]

45 **SECTION 11.** ORS 166.434 is amended to read:

1 166.434. (1) Notwithstanding the fact that ORS 166.412 requires a gun dealer to request a crim-  
 2 inal history record check only when transferring a handgun, a gun dealer shall comply with the  
 3 requirements of ORS 166.412 before transferring any firearm to a purchaser. The provisions of ORS  
 4 166.412 apply to the transfer of firearms other than handguns to the same extent that they apply to  
 5 the transfer of handguns.

6 (2) In addition to the determination required by ORS 166.412 (3)(a)(A), in conducting a criminal  
 7 background check or criminal history record check, the Department of State Police shall *[also]* de-  
 8 termine whether the recipient is otherwise prohibited by state or federal law from possessing a  
 9 firearm.

10 (3) Notwithstanding ORS 166.412 (5), the department is not required to operate the telephone  
 11 number established under ORS 166.412 (5) on Thanksgiving Day or Christmas Day.

12 *[(4)(a) The department may charge a fee, not to exceed the amount authorized under ORS 166.414,*  
 13 *for criminal background checks required under this section or ORS 166.436.]*

14 *[(b) The department shall establish a reduced fee for subsequent criminal background checks on the*  
 15 *same recipient that are performed during the same day between the hours of 8 a.m. and 10 p.m.]*

16 **SECTION 12.** ORS 181.010 is amended to read:

17 181.010. As used in ORS 181.010 to 181.560 and 181.715 to 181.730, unless the context requires  
 18 otherwise:

19 *[(1) "Bureau" means the Department of State Police bureau of criminal identification.]*

20 *[(2)] (1) "Criminal justice agency" means:*

21 (a) The Governor;

22 (b) Courts of criminal jurisdiction;

23 (c) The Attorney General;

24 (d) District attorneys, city attorneys with criminal *[prosecutive]* **prosecutorial** functions, attor-  
 25 ney employees of the office of public defense services and nonprofit public defender organizations  
 26 established under contract with the Public Defense Services Commission;

27 (e) Law enforcement agencies;

28 (f) The Department of Corrections;

29 (g) The State Board of Parole and Post-Prison Supervision;

30 (h) The Department of Public Safety Standards and Training; and

31 (i) Any other state or local agency with law enforcement authority designated by order of the  
 32 Governor.

33 *[(3)] (2) "Criminal offender information" includes records and related data as to physical de-*  
 34 *scription and vital statistics, fingerprints received and compiled [by the bureau] for purposes of*  
 35 *identifying criminal offenders and alleged offenders, records of arrests and the nature and dispo-*  
 36 *sition of criminal charges, including sentencing, confinement, parole and release.*

37 *[(4)] (3) "Department" means the Department of State Police established under ORS 181.020.*

38 *[(5)] (4) "Deputy superintendent" means the Deputy Superintendent of State Police.*

39 *[(6)] (5) "Designated agency" means any state, county or municipal government agency where*  
 40 *Oregon criminal offender information is required to implement a federal or state statute, executive*  
 41 *order or administrative rule that expressly refers to criminal conduct and contains requirements or*  
 42 *exclusions expressly based on such conduct or for agency employment purposes, licensing purposes*  
 43 *or other demonstrated and legitimate needs when designated by order of the Governor.*

44 *[(7)] (6) "Disposition report" means a form or process prescribed or furnished by the [bureau]*  
 45 **department**, containing a description of the ultimate action taken subsequent to an arrest.

1        [(8)] (7) “Law enforcement agency” means county sheriffs, municipal police departments, state  
 2 police, other police officers of this state and other states and law enforcement agencies of the fed-  
 3 eral government.

4        [(9)] (8) “State police” means the members of the state police force appointed under ORS 181.250.

5        [(10)] (9) “Superintendent” means the Superintendent of State Police.

6        **SECTION 13.** ORS 181.066 is amended to read:

7        181.066. [(1) *There is established in the Department of State Police a bureau of criminal identifi-*  
 8 *cation which shall be operated by the department.*]

9        [(2)] The [bureau] **Department of State Police** shall:

10        [(a)] (1) Install and maintain systems for filing and retrieving fingerprint data and supplemental  
 11 information submitted by criminal justice agencies for the identification of criminal offenders as the  
 12 Superintendent of State Police deems necessary;

13        [(b)] (2) Employ its fingerprint record file as a basis for identifying individuals and provide  
 14 criminal offender information to criminal justice agencies [*while acting*] in the performance of  
 15 [*their*] **the agencies’** official duties;

16        [(c)] (3) Provide information to persons and agencies as provided in ORS 181.555 and 181.560;  
 17 [*and*]

18        [(d)] (4) Undertake [*such*] other projects as [*are*] necessary or appropriate to the speedy col-  
 19 lection and dissemination of information relating to crimes and criminals[.]; **and**

20        **(5) Establish by rule a fee schedule to cover the costs of criminal identification services.**

21        **SECTION 14.** ORS 181.511 is amended to read:

22        181.511. (1) [*A law enforcement agency*] Immediately upon the arrest of a person for a crime for  
 23 which criminal offender information must be provided under ORS 181.515, **a law enforcement**  
 24 **agency** shall:

25        (a) Place the arrested person’s fingerprints and identifying data on forms prescribed or furnished  
 26 by the Department of State Police [*bureau of criminal identification*], photograph the arrested person  
 27 and promptly transmit the form and photograph to the [*bureau*] **department**.

28        (b) If the arrest is disposed of by the arresting agency, cause the disposition report to be com-  
 29 pleted and promptly transmitted to the [*bureau*] **department**.

30        (c) If the arrest is not disposed of by the agency, cause the disposition report to be forwarded,  
 31 *except as otherwise provided in section 3, chapter 553, Oregon Laws 1987,*] to the court that will dis-  
 32 pose of the charge[,] for further action in accordance with ORS 181.521.

33        (2) A law enforcement agency may record, in addition to fingerprints, the palm prints, sole  
 34 prints, toe prints or other personal identifiers when, in the discretion of the agency, it is necessary  
 35 to effect identification of the persons or to the investigation of the crime charged.

36        (3) A law enforcement agency, for the purpose of identification, may record and submit to the  
 37 [*bureau*] **department** the fingerprints of persons arrested for crimes for which criminal offender in-  
 38 formation is not required under ORS 181.515.

39        **SECTION 15.** ORS 181.521 is amended to read:

40        181.521. When a court receives a disposition report from a law enforcement agency pursuant to  
 41 ORS 181.511, the court shall transmit disposition information to the Department of State Police  
 42 [*bureau of criminal identification*] in a manner and format determined by the State Court Adminis-  
 43 trator after consultation with the [*bureau*] **department**.

44        **SECTION 16.** ORS 181.530 is amended to read:

45        181.530. (1)(a) The superintendent of any institution of this state shall notify the Department of

1 State Police [*bureau of criminal identification*] prior to the release or immediately after the escape  
 2 from the institution of any person committed to the institution for a crime for which a report is  
 3 required or under civil commitment as a sexually dangerous person.

4 (b) The notice [*shall*] **required under this subsection must** state the name of the person to  
 5 be released or who has escaped, the county in which the person was convicted or from which the  
 6 person was committed and, if known, the address or locality at which the person will reside.

7 (2) Promptly upon receipt of the notice required [*by*] **under** subsection (1) of this section, the  
 8 [*bureau*] **department** shall notify all law enforcement agencies in the county in which the person  
 9 was convicted or from which the person was committed and in the county, if known, in which the  
 10 person will reside.

11 **SECTION 17.** ORS 181.533 is amended to read:

12 181.533. (1) As used in this section:

13 (a) "Authorized agency" means the Department of State Police or other governmental agency  
 14 designated by the state to report, receive or disseminate criminal offender information.

15 (b) "Qualified entity" means a business or organization that:

16 (A) Provides care or placement services, or licenses or certifies others to provide care or  
 17 placement services, for children, elderly persons or dependent persons;

18 (B) Is not governed by a state regulatory or licensing agency; and

19 (C) Has been determined by an authorized agency to meet the criteria established by the au-  
 20 thorized agency by rule under subsection (9) of this section.

21 (c) "Subject individual" means a person who is employed or seeks to be employed by a qualified  
 22 entity or who is providing services or seeks to provide services to a qualified entity on a contractual  
 23 or volunteer basis.

24 (2) An entity may request from an authorized agency a criminal records check for purposes of  
 25 evaluating the fitness of a subject individual as an employee, contractor or volunteer. The author-  
 26 ized agency may access state and federal criminal records under this subsection only through use  
 27 of the subject individual's fingerprints.

28 (3) Before an authorized agency may conduct a criminal records check under this section:

29 (a) The authorized agency [*shall*] **must** determine whether the entity requesting the criminal  
 30 records check is a qualified entity;

31 (b) The qualified entity must establish criteria to be used by the authorized agency in reviewing  
 32 the criminal offender information for a final record check determination;

33 (c) The qualified entity must provide the criteria established under paragraph (b) of this sub-  
 34 section to the authorized agency; and

35 (d) The qualified entity must have informed the subject individual that the qualified entity might  
 36 request a fingerprint-based criminal records check and that the subject individual may obtain a copy  
 37 of the record check report from, or challenge the accuracy or completeness of the record check re-  
 38 port through, the authorized agency or the Federal Bureau of Investigation.

39 (4)(a) Upon receipt of a subject individual's criminal offender information, the authorized agency  
 40 shall make a final record check determination by comparing the criminal offender information with  
 41 the criteria provided to the authorized agency by the qualified entity under subsection (3)(c) of this  
 42 section. In making the final record check determination, the authorized agency may consider only  
 43 information that the Department of State Police may disclose under ORS 181.560.

44 (b) An authorized agency is immune from civil liability that might otherwise be incurred or im-  
 45 posed for making the final record check determination under this subsection.

1 (5) An authorized agency may not transfer a fingerprint card used to conduct the criminal re-  
 2 cords check unless the public agency or person receiving the fingerprint card agrees to destroy or  
 3 return the fingerprint card to the authorized agency.

4 (6) If the public agency or person returns a fingerprint card to the authorized agency, the au-  
 5 thorized agency shall destroy the fingerprint card. The authorized agency may not keep a record  
 6 of the fingerprints.

7 (7) The authorized agency shall permit a subject individual to inspect the individual's Oregon  
 8 and Federal Bureau of Investigation criminal offender information after positive identification has  
 9 been established based upon fingerprints.

10 (8) Challenges to the accuracy or completeness of information provided by the authorized  
 11 agency, the Federal Bureau of Investigation and agencies reporting information to the authorized  
 12 agency or **the federal** bureau must be made through the authorized agency or **the federal** bureau.

13 (9) The authorized agency shall adopt rules to implement this section. The rules may [*include*  
 14 *but are not limited to*] **establish, among other things:**

15 (a) Criteria to be used by the authorized agency to determine whether an entity is a qualified  
 16 entity; and

17 (b) Fees to be charged for conducting criminal records checks under this section in amounts not  
 18 to exceed the actual costs of acquiring and furnishing criminal offender information.

19 **(10) The Department of State Police shall establish by rule a fee schedule to cover the**  
 20 **costs of obtaining, maintaining and providing to another authorized agency the information**  
 21 **and records described in this section.**

22 **SECTION 18.** ORS 181.534 is amended to read:

23 181.534. (1) As used in this section:

24 (a) "Authorized agency" means state government as defined in ORS 174.111 and the Oregon  
 25 State Bar. "Authorized agency" does not [*include*] **mean:**

26 (A) The Oregon State Lottery Commission or the Oregon State Lottery; or

27 (B) A criminal justice agency, as defined in ORS 181.010, that is authorized by federal law to  
 28 receive fingerprint-based criminal records checks from the Federal Bureau of Investigation.

29 (b) "Subject individual" means a person from whom an authorized agency may require finger-  
 30 prints pursuant to statute for the purpose of enabling the authorized agency to request a state or  
 31 nationwide criminal records check.

32 (2) An authorized agency may request that the Department of State Police conduct a criminal  
 33 records check on a subject individual for non-criminal justice purposes. If a nationwide criminal  
 34 records check of a subject individual is necessary, the authorized agency may request that the De-  
 35 partment of State Police conduct the check, including fingerprint identification, through the Federal  
 36 Bureau of Investigation.

37 (3) The Department of State Police shall provide the results of a criminal records check con-  
 38 ducted pursuant to subsection (2) of this section to the authorized agency requesting the check.

39 (4) The Federal Bureau of Investigation shall return or destroy the fingerprint cards used to  
 40 conduct the criminal records check and may not keep any record of the fingerprints. If the federal  
 41 bureau policy authorizing return or destruction of the fingerprint cards is changed, the Department  
 42 of State Police shall cease to send the cards to the federal bureau but shall continue to process the  
 43 information through other available resources.

44 (5) If the Federal Bureau of Investigation returns the fingerprint cards to the Department of  
 45 State Police, the department shall destroy the fingerprint cards and shall retain no facsimiles or

1 other material from which a fingerprint can be reproduced.

2 (6) If only a state criminal records check is conducted, the Department of State Police shall  
3 destroy the fingerprint cards after the criminal records check is completed and the results of the  
4 criminal records check provided to the authorized agency and shall retain no facsimiles or other  
5 material from which a fingerprint can be reproduced.

6 (7) An authorized agency may conduct criminal records checks on subject individuals through  
7 the Law Enforcement Data System maintained by the Department of State Police in accordance with  
8 rules adopted, and procedures established, by the Department of State Police.

9 (8) An authorized agency and the Department of State Police shall permit a subject individual  
10 for whom a fingerprint-based criminal records check was conducted to inspect the individual's own  
11 state and national criminal offender records and, if requested by the subject individual, provide the  
12 individual with a copy of the individual's own state and national criminal offender records.

13 (9) Each authorized agency, in consultation with the Department of State Police, shall adopt  
14 rules to implement this section and other statutes relating to criminal offender information obtained  
15 through fingerprint-based criminal records checks. The rules [*shall include but need not be limited*  
16 *to*] **must establish:**

17 (a) [*Specifying*] Categories of subject individuals [*who are subject to criminal records checks*].

18 (b) [*Specifying*] The information that may be required from a subject individual to permit a  
19 criminal records check.

20 (c) [*Specifying*] Which programs or services are subject to this section.

21 (d) [*Specifying*] The types of crimes that may be considered in reviewing criminal offender in-  
22 formation of a subject individual.

23 (e) [*Specifying*] When a nationwide fingerprint-based criminal records check must be conducted.  
24 An authorized agency shall consider the additional cost of obtaining a nationwide fingerprint-based  
25 criminal records check when adopting rules under this subsection.

26 (f) If the authorized agency uses criminal records checks for agency employment purposes:

27 (A) [*Determining*] When and under what conditions a subject individual may be hired on a pre-  
28 liminary basis pending a criminal records check; and

29 (B) [*Defining*] The conditions under which a subject individual may participate in training, ori-  
30 entation and work activities pending completion of a criminal records check.

31 (g) [*Establishing*] Fees in an amount not to exceed the actual cost of acquiring and furnishing  
32 criminal offender information.

33 (10) The Department of State Police shall verify that an authorized agency has adopted the rules  
34 required by subsection (9) of this section.

35 (11) Except as otherwise provided in ORS 181.612, an authorized agency, using the rules adopted  
36 under subsection (9) of this section, shall determine whether a subject individual is fit to hold a  
37 position, provide services, be employed or be granted a license, certification, registration or permit,  
38 based on the criminal records check obtained pursuant to this section, on any false statements made  
39 by the individual regarding the criminal history of the individual and on any refusal to submit or  
40 consent to a criminal records check including fingerprint identification. If a subject individual is  
41 determined to be unfit, then the individual may not hold the position, provide services, be employed  
42 or be granted a license, certification, registration or permit.

43 (12) Except as otherwise provided in ORS 181.612, in making the fitness determination under  
44 subsection (11) of this section, the authorized agency shall consider:

45 (a) The nature of the crime;

1 (b) The facts that support the conviction or pending indictment or that indicate the making of  
2 the false statement;

3 (c) The relevancy, if any, of the crime or the false statement to the specific requirements of the  
4 subject individual's present or proposed position, services, employment, license, certification or reg-  
5 istration; and

6 (d) Intervening circumstances relevant to the responsibilities and circumstances of the position,  
7 services, employment, license, certification, registration or permit. Intervening circumstances in-  
8 clude but are not limited to:

9 (A) The passage of time since the commission of the crime;

10 (B) The age of the subject individual at the time of the crime;

11 (C) The likelihood of a repetition of offenses or of the commission of another crime;

12 (D) The subsequent commission of another relevant crime;

13 (E) Whether the conviction was set aside and the legal effect of setting aside the conviction; and

14 (F) A recommendation of an employer.

15 (13) An authorized agency and an employee of an authorized agency acting within the course  
16 and scope of employment are immune from any civil liability that might otherwise be incurred or  
17 imposed for determining, pursuant to subsection (11) of this section, that a subject individual is fit  
18 or not fit to hold a position, provide services, be employed or be granted a license, certification,  
19 registration or permit. An authorized agency and an employee of an authorized agency acting within  
20 the course and scope of employment who in good faith comply with this section are not liable for  
21 employment-related decisions based on determinations made under subsection (11) of this section.  
22 An authorized agency or an employee of an authorized agency acting within the course and scope  
23 of employment is not liable for defamation or invasion of privacy in connection with the lawful dis-  
24 semination of information lawfully obtained under this section.

25 (14)(a) Each authorized agency shall establish by rule a contested case process by which a sub-  
26 ject individual may appeal the determination that the individual is fit or not fit to hold a position,  
27 provide services, be employed or be granted a license, certification, registration or permit on the  
28 basis of information obtained as the result of a criminal records check conducted pursuant to this  
29 section. Challenges to the accuracy or completeness of information provided by the Department of  
30 State Police, the Federal Bureau of Investigation and agencies reporting information to the De-  
31 partment of State Police or Federal Bureau of Investigation must be made through the Department  
32 of State Police, Federal Bureau of Investigation or reporting agency and not through the contested  
33 case process required by this paragraph.

34 (b) A subject individual who is employed by an authorized agency and who is determined not to  
35 be fit for a position on the basis of information obtained as the result of a criminal records check  
36 conducted pursuant to this section may appeal the determination through the contested case process  
37 adopted under this subsection or applicable personnel rules, policies and collective bargaining pro-  
38 visions. An individual's decision to appeal a determination through personnel rules, policies and  
39 collective bargaining provisions is an election of remedies as to the rights of the individual with  
40 respect to the fitness determination and is a waiver of the contested case process.

41 (15) Criminal offender information is confidential. Authorized agencies and the Department of  
42 State Police shall adopt rules to restrict dissemination of information received under this section to  
43 persons with a demonstrated and legitimate need to know the information.

44 (16) If a subject individual refuses to consent to the criminal records check or refuses to be  
45 fingerprinted, the authorized agency shall deny the employment of the individual, or revoke or deny

1 any applicable position, authority to provide services, license, certification, registration or permit.

2 (17) If an authorized agency requires a criminal records check of employees, prospective em-  
 3 ployees, contractors, vendors or volunteers or applicants for a license, certification, registration or  
 4 permit, the application forms of the authorized agency must contain a notice that the person is  
 5 subject to fingerprinting and a criminal records check.

6 **(18) The Department of State Police shall establish by rule a fee schedule to cover the**  
 7 **costs of obtaining, maintaining and providing to another authorized agency the information**  
 8 **and records described in this section.**

9 **SECTION 19.** ORS 181.537 is amended to read:

10 181.537. (1) As used in this section:

11 (a) "Care" means the provision of care, treatment, education, training, instruction, supervision,  
 12 placement services, recreation or support to children, the elderly or persons with disabilities.

13 (b) "Qualified entity" means a community mental health program, a community developmental  
 14 disabilities program, a local health department or an individual or business or organization, whether  
 15 public, private, for-profit, nonprofit or voluntary, that provides care, including a business or organ-  
 16 ization that licenses, certifies or registers others to provide care.

17 (2) For the purpose of requesting a state or nationwide criminal records check under ORS  
 18 181.534, the Department of Human Services, the Oregon Health Authority and the Employment De-  
 19 partment may require the fingerprints of a person:

20 (a) Who is employed by or is applying for employment with either department or the authority;

21 (b) Who provides or seeks to provide services to either department or the authority as a con-  
 22 tractor, subcontractor, vendor or volunteer who:

23 (A) May have contact with recipients of care;

24 (B) Has access to personal information about employees of either department or the authority,  
 25 recipients of care from either department or the authority or members of the public, including Social  
 26 Security numbers, dates of birth, driver license numbers, medical information, personal financial in-  
 27 formation or criminal background information;

28 (C) Has access to information the disclosure of which is prohibited by state or federal laws,  
 29 rules or regulations, or information that is defined as confidential under state or federal laws, rules  
 30 or regulations;

31 (D) Has access to property held in trust or to private property in the temporary custody of the  
 32 state;

33 (E) Has payroll or fiscal functions or responsibility for:

34 (i) Receiving, receipting or depositing money or negotiable instruments;

35 (ii) Billing, collections, setting up financial accounts or other financial transactions; or

36 (iii) Purchasing or selling property;

37 (F) Provides security, design or construction services for government buildings, grounds or fa-  
 38 cilities;

39 (G) Has access to critical infrastructure or secure facilities information; or

40 (H) Is providing information technology services and has control over or access to information  
 41 technology systems;

42 (c) For the purposes of licensing, certifying, registering or otherwise regulating or administering  
 43 programs, persons or qualified entities that provide care;

44 (d) For the purposes of employment decisions by or for qualified entities that are regulated or  
 45 otherwise subject to oversight by the Department of Human Services or the Oregon Health Au-

1 thority and that provide care; or

2 (e) For the purposes of employment decisions made by a mass transit district or transportation  
 3 district for qualified entities that, under contracts with the district or the Oregon Health Authority,  
 4 employ persons to operate motor vehicles for the transportation of medical assistance program cli-  
 5 ents.

6 (3) The Department of Human Services and the Oregon Health Authority may conduct criminal  
 7 records checks on a person through the Law Enforcement Data System maintained by the Depart-  
 8 ment of State Police, if deemed necessary by the Department of Human Services or the Oregon  
 9 Health Authority to protect children, elderly persons, persons with disabilities or other vulnerable  
 10 persons.

11 (4) The Department of Human Services and the Oregon Health Authority may furnish to quali-  
 12 fied entities, in accordance with the rules of the Department of Human Services or the Oregon  
 13 Health Authority and the rules of the Department of State Police, information received from the  
 14 Law Enforcement Data System. However, any criminal offender records and information furnished  
 15 to the Department of Human Services or the Oregon Health Authority by the Federal Bureau of  
 16 Investigation through the Department of State Police may not be disseminated to qualified entities.

17 (5) A qualified entity, using rules adopted by the Department of Human Services or the Oregon  
 18 Health Authority, shall determine under this section whether a person is fit to hold a position,  
 19 provide services, be employed or, if the qualified entity has authority to make such a determination,  
 20 be licensed, certified or registered, based on the criminal records check obtained pursuant to ORS  
 21 181.534, any false statements made by the person regarding the criminal history of the person and  
 22 any refusal to submit or consent to a criminal records check including fingerprint identification. If  
 23 a person is determined to be unfit, then that person may not hold the position, provide services or  
 24 be employed, licensed, certified or registered.

25 (6) In making the fitness determination under subsection (5) of this section, the qualified entity  
 26 shall consider:

27 (a) The nature of the crime;

28 (b) The facts that support the conviction or pending indictment or indicate the making of the  
 29 false statement;

30 (c) The relevancy, if any, of the crime or the false statement to the specific requirements of the  
 31 person's present or proposed position, services, employment, license, certification or registration;  
 32 and

33 (d) Intervening circumstances relevant to the responsibilities and circumstances of the position,  
 34 services, employment, license, certification or registration. Intervening circumstances include but  
 35 are not limited to the passage of time since the commission of the crime, the age of the person at  
 36 the time of the crime, the likelihood of a repetition of offenses, the subsequent commission of an-  
 37 other relevant crime and a recommendation of an employer.

38 (7) The Department of Human Services, the Oregon Health Authority and the Employment De-  
 39 partment may make fitness determinations based on criminal offender records and information fur-  
 40 nished by the Federal Bureau of Investigation through the Department of State Police only as  
 41 provided in ORS 181.534.

42 (8) A qualified entity and an employee of a qualified entity acting within the course and scope  
 43 of employment are immune from any civil liability that might otherwise be incurred or imposed for  
 44 determining pursuant to subsection (5) of this section that a person is fit or not fit to hold a position,  
 45 provide services or be employed, licensed, certified or registered. A qualified entity, employee of a

1 qualified entity acting within the course and scope of employment and an employer or employer's  
 2 agent who in good faith comply with this section and the decision of the qualified entity or employee  
 3 of the qualified entity acting within the course and scope of employment are not liable for the fail-  
 4 ure to hire a prospective employee or the decision to discharge an employee on the basis of the  
 5 qualified entity's decision. An employee of the state acting within the course and scope of employ-  
 6 ment is not liable for defamation or invasion of privacy in connection with the lawful dissemination  
 7 of information lawfully obtained under this section.

8 (9) The Department of Human Services and the Oregon Health Authority shall develop systems  
 9 that maintain information regarding criminal records checks in order to minimize the administrative  
 10 burden imposed by this section and ORS 181.534. Records maintained under this subsection are  
 11 confidential and may not be disseminated except for the purposes of this section and in accordance  
 12 with the rules of the Department of Human Services, the Oregon Health Authority and the Depart-  
 13 ment of State Police. Nothing in this subsection permits the Department of Human Services to re-  
 14 tain fingerprint cards obtained pursuant to this section.

15 (10) In addition to the rules required by ORS 181.534, the Department of Human Services and  
 16 the Oregon Health Authority, in consultation with the Department of State Police, shall adopt rules  
 17 **that establish:**

18 (a) *[Specifying]* Which qualified entities are subject to this section;

19 (b) *[Specifying]* Which qualified entities may request criminal offender information;

20 (c) *[Specifying]* Which qualified entities are responsible for deciding whether a subject individual  
 21 is *[not fit]* **unfit** for a position, service, license, certification, registration or employment; and

22 (d) *[Specifying]* When a qualified entity, in lieu of conducting a completely new criminal records  
 23 check, may proceed to make a fitness determination under subsection (5) of this section using the  
 24 information maintained by the Department of Human Services and the Oregon Health Authority  
 25 pursuant to subsection (9) of this section.

26 (11) If a person refuses to consent to the criminal records check or refuses to be fingerprinted,  
 27 the qualified entity shall deny or terminate the employment of the person, or revoke or deny any  
 28 applicable position, authority to provide services, employment, license, certification or registration.

29 (12) If the qualified entity requires a criminal records check of employees or other persons, the  
 30 application forms of the qualified entity must contain a notice that employment is subject to fin-  
 31 gerprinting and a criminal records check.

32 **(13) The Department of State Police shall establish by rule a fee schedule to cover the**  
 33 **costs of obtaining, maintaining and providing to the Department of Human Services, the**  
 34 **Oregon Health Authority and the Employment Department the information and records de-**  
 35 **scribed in this section.**

36 **SECTION 20.** ORS 181.538 is amended to read:

37 181.538. (1) Upon the request of a Native American tribe, and in compliance with procedures  
 38 adopted by the Department of State Police under ORS 181.555, the Department of State Police shall  
 39 furnish to the authorized staff of the Native American tribe such information on a subject individual  
 40 or contractor as the Department of State Police may have in its possession *[from its central bureau*  
 41 *of criminal identification]*, including but not limited to manual or computerized criminal offender in-  
 42 formation. With the approval of the Department of State Police, a local law enforcement agency  
 43 may furnish the information described in this subsection to a Native American tribe.

44 (2)(a) Subsequent to furnishing the information required under subsection (1) of this section, the  
 45 Department of State Police shall conduct nationwide criminal records checks of the subject indi-

vidual or contractor through the Federal Bureau of Investigation by use of the subject individual's or contractor's fingerprints and shall report the results to the staff of the Native American tribe, who must be specifically authorized to receive the information. In accordance with the procedures of the Department of State Police, a local law enforcement agency may conduct the criminal records check described in this paragraph if the local law enforcement agency has received approval under subsection (1) of this section.

(b) The Department of State Police shall return the fingerprint cards to the Native American tribe.

(3) For purposes of requesting and receiving the information and data described in subsections (1) and (2) of this section, Native American tribes are designated agencies for purposes of ORS 181.010 to 181.560 and 181.715 to 181.730.

(4) As used in this section:

(a) "Contractor" means *[any natural person or corporation, trust, association, partnership, joint venture, subsidiary or other business entity with whom]* **an individual or entity with which** a Native American tribe intends to contract for the purpose of providing supplies or services related to tribal gaming, or *[any]* a control person of a contractor.

(b) "Control person" means:

(A) In a privately owned corporation, the officers, directors and stockholders of the parent company and, if applicable, each of its subsidiaries.

(B) In a publicly owned corporation, the officers and directors of the parent company, each of its subsidiaries and stockholders owning at least 15 percent of the company's stock.

(C) In a trust, the trustee and all persons entitled to receive income or benefit from the trust.

(D) In an association, the members, officers and directors.

(E) In a partnership or joint venture, the general partners, limited partners or joint venturers.

(F) A member of the immediate family of any of the persons listed in subparagraphs (A) to (E) of this paragraph if the person is involved in the business.

(G) A subcontractor of a contractor, if the subcontractor performs more than 50 percent of the contractor's contract with the Native American tribe.

(c) "Native American tribe" means *[any]* a recognized Native American tribe or band of tribes:

(A) Authorized by the Indian Gaming Regulatory Act of October 17, 1988 (Public Law 100-497), 25 U.S.C. 2701 et seq., and the State of Oregon to conduct gambling operations on tribal land; or

(B) Eligible for special programs and services provided by the United States to Indians because of their status as Indians.

(d) "Subject individual" means *[a person]* **an individual** who is:

(A) Applying for employment at a tribal gaming facility as a key employee, high security employee, low security employee or management employee; or

(B) Employed or applying for employment with a tribal government or agency responsible for child care, child welfare, law enforcement, education, health care, housing or social services.

**(5) The Department of State Police shall establish by rule a fee schedule to cover the costs of obtaining, maintaining and providing to a Native American tribe the records and information described in this section.**

**SECTION 21.** ORS 181.555 is amended to read:

181.555. The Department of State Police shall *[adopt rules under ORS chapter 183 establishing procedures]* **establish by rule:**

(1) **Procedures** to provide access to criminal offender information by criminal justice agencies,

1 **law enforcement agencies** and by other *[state and local]* **designated** agencies.

2 (2)*[(a)]* **Procedures** to permit a person or agency not included in subsection (1) of this section  
3 to inquire as to whether the department has compiled criminal offender information on an individual.

4 *[(b)]* (3) *[To provide]* **A requirement** that any person making an inquiry under *[paragraph (a)*  
5 *of this subsection]* **subsection (2) of this section** furnish the department with such information  
6 known to the inquirer as will assist the department in identifying and notifying the individual about  
7 whom the information is sought. If the information is sought by an employer for employment pur-  
8 poses, the employer first shall have advised the employee or prospective employee that such infor-  
9 mation might be sought and shall state upon making the request that the individual has been so  
10 advised and the manner in which the individual was so advised.

11 *[(3)]* (4) **Procedures** to provide each individual about whom criminal offender information has  
12 been compiled the right to inspect and challenge that criminal offender information.

13 *[(4)]* (5) *[Providing]* **Procedures** for purging or updating of inaccurate or incomplete information.

14 (6) **A fee schedule to cover the costs of obtaining, maintaining and providing the records**  
15 **and information described in this section.**

16 **SECTION 22.** ORS 181.557 is amended to read:

17 181.557. (1) When a designated agency requests criminal offender information about an individ-  
18 ual from the Department of State Police under ORS 181.555 (1) for agency employment, licensing or  
19 other permissible purposes, the agency shall provide documentation that the individual:

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

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

25 (A) A statement that the individual may challenge the accuracy of criminal offender information  
26 and notice of the manner in which the individual may be informed of the procedures adopted under  
27 ORS 181.555 *[(3)]* (4) for challenging inaccurate criminal offender information; and

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

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

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

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

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

43 (b) Notice provided under this subsection shall include:

44 (A) A statement that the individual may challenge the accuracy of criminal offender information  
45 and notice of the manner in which the individual may be informed of the procedures adopted under

1 ORS 181.555 [(3)] (4) for challenging inaccurate criminal offender information; and

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

5 **(4) The Department of State Police shall establish by rule a fee schedule to cover the  
6 costs of obtaining, maintaining and providing to another designated agency the records and  
7 information described in this section.**

8 **SECTION 23.** ORS 181.560 is amended to read:

9 181.560. (1) When a person or agency, other than a criminal justice agency or a law enforcement  
10 agency, pursuant to ORS 181.555 (2), requests from the Department of State Police criminal offender  
11 information regarding an individual, if the department's compiled criminal offender information on  
12 the individual contains records of any conviction, or of any arrest less than one year old on which  
13 there has been no acquittal or dismissal, the department shall respond to the request as follows:

14 (a) The department shall send prompt written notice of the request to the individual about whom  
15 the request has been made. The department shall address the notice to the individual's last address  
16 known to the department and to the individual's address, if any, supplied by the person making the  
17 request. However, the department has no obligation to insure that the addresses are current. The  
18 notice shall state that the department has received a request for information concerning the indi-  
19 vidual and shall identify the person or agency making the request. Notice to the individual about  
20 whom the request is made shall include:

21 (A) A copy of all information to be supplied to the person or agency making the request;

22 (B) Notice to the individual of the manner in which the individual may become informed of the  
23 procedures adopted under ORS 181.555 [(3)] (4) for challenging inaccurate criminal offender infor-  
24 mation; and

25 (C) Notice to the individual of the manner in which the individual may become informed of  
26 rights, if any, under Title VII of the Civil Rights Act of 1964, and notice that discrimination by an  
27 employer on the basis of arrest records alone may violate federal civil rights law and that the in-  
28 dividual may obtain further information by contacting the Bureau of Labor and Industries.

29 (b) Fourteen days after sending notice to the individual about whom the request is made, the  
30 department shall deliver to the person or agency making the request the following information if  
31 held regarding any convictions and any arrests less than one year old on which the records show  
32 no acquittal or dismissal:

33 (A) Date of arrest.

34 (B) Offense for which arrest was made.

35 (C) Arresting agency.

36 (D) Court of origin.

37 (E) Disposition, including sentence imposed, date of parole if any and parole revocations if any.

38 (c) The department shall deliver only the data authorized under paragraph (b) of this subsection.

39 (d) The department shall inform the person or agency requesting the criminal offender informa-  
40 tion that the department's response is being furnished only on the basis of similarity of names and  
41 description and that identification is not confirmed by fingerprints.

42 (2) If the department holds no criminal offender information on an individual, or the  
43 department's compiled criminal offender information on the individual consists only of nonconviction  
44 data, the department shall respond to a request under this section that the individual has no crimi-  
45 nal record and shall release no further information.

1 (3) The department shall keep a record of all persons and agencies making inquiries under ORS  
 2 181.555 (2) and shall keep a record of the names of the individuals about whom such persons or  
 3 agencies are inquiring, regardless of whether the department has compiled any criminal offender  
 4 information on the individuals. These records shall be public records and shall be available for in-  
 5 spection under ORS 192.410 to 192.505.

6 *[(4) Nothing in ORS 181.066, 181.548, 181.555 or this section is intended to prevent the department  
 7 from charging a reasonable fee, pursuant to ORS 192.440, for responding to a criminal offender infor-  
 8 mation inquiry or for making information available under ORS 181.555 or this section.]*

9 **(4) The department shall establish by rule a fee schedule to cover the costs of obtaining,  
 10 maintaining and providing the records and information described in this section.**

11 **SECTION 24.** ORS 181.595 is amended to read:

12 181.595. (1)(a) Except as otherwise provided in paragraph (b) of this subsection, the agency to  
 13 which a person reports under subsection (3) of this section shall complete a sex offender registration  
 14 form concerning the person when the person reports under subsection (3) of this section.

15 (b) When a person who is under supervision reports to the agency supervising the person, the  
 16 supervising agency may require the person to report instead to the Department of State Police, a  
 17 city police department or a county sheriff's office and provide the supervising agency with proof of  
 18 the completed registration.

19 (2) Subsection (3) of this section applies to a person who:

20 (a) Is discharged, paroled or released on any form of supervised or conditional release from a  
 21 jail, prison or other correctional facility or detention facility in this state at which the person was  
 22 confined as a result of:

23 (A) Conviction of a sex crime;

24 (B) Having been found guilty except for insanity of a sex crime; or

25 (C) Having been found to be within the jurisdiction of the juvenile court for having committed  
 26 an act that if committed by an adult would constitute a sex crime;

27 (b) Is paroled to this state under ORS 144.610 after being convicted in another United States  
 28 court of a crime that would constitute a sex crime if committed in this state;

29 (c) Is paroled to or otherwise placed in this state after having been found by another United  
 30 States court to have committed an act while the person was under 18 years of age that would con-  
 31 stitute a sex crime if committed in this state by an adult;

32 (d) Is discharged or placed on conditional release by the juvenile panel of the Psychiatric Se-  
 33 curity Review Board after having been found to be responsible except for insanity under ORS  
 34 419C.411 for an act that would constitute a sex crime if committed by an adult; or

35 (e) Is discharged by the court under ORS 161.329 after having been found guilty except for in-  
 36 sanity of a sex crime.

37 (3)(a) A person described in subsection (2) of this section shall report, in person, to the Depart-  
 38 ment of State Police, a city police department or a county sheriff's office or, if the person is under  
 39 supervision, to the supervising agency:

40 (A) Within 10 days following discharge, release on parole, post-prison supervision or other  
 41 supervised or conditional release;

42 (B) Within 10 days of a change of residence;

43 (C) Once each year within 10 days of the person's birth date, regardless of whether the person  
 44 changed residence;

45 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an

1 institution of higher education; and

2 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher  
3 education.

4 (b) If the person required to report under this subsection is a youth offender or young person,  
5 as defined in ORS 419A.004, who is under supervision, the person shall report to the agency super-  
6 vising the person.

7 (c) The obligation to report under this subsection terminates if the conviction or adjudication  
8 that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

9 (4) As part of the registration and reporting requirements of this section:

10 (a) The person required to report shall:

11 (A) Provide the information necessary to complete the sex offender registration form and sign  
12 the form as required; and

13 (B) Submit to the requirements described in paragraph (b) of this subsection.

14 (b) The Department of State Police, the city police department, the county sheriff's office or the  
15 supervising agency:

16 (A) Shall photograph the person when the person initially reports under this section and each  
17 time the person reports annually under this section;

18 (B) May photograph the person or any identifying scars, marks or tattoos located on the person  
19 when the person reports under any of the circumstances described in this section; and

20 (C) Shall fingerprint the person if the person's fingerprints are not included in the record file  
21 of the Department of State Police [*bureau of criminal identification*].

22 **SECTION 25.** ORS 181.596 is amended to read:

23 181.596. (1)(a) Except as otherwise provided in paragraph (b) of this subsection, the agency to  
24 which a person reports under subsection (4) of this section shall complete a sex offender registration  
25 form concerning the person when the person reports under subsection (4) of this section.

26 (b) When a person who is under supervision reports to the agency supervising the person, the  
27 supervising agency may require the person to report instead to the Department of State Police, a  
28 city police department or a county sheriff's office and provide the supervising agency with proof of  
29 the completed registration.

30 (2) Subsection (4) of this section applies to a person who is discharged, released or placed on  
31 probation:

32 (a) By the court after being convicted in this state of a sex crime;

33 (b) By the juvenile court after being found to be within the jurisdiction of the juvenile court for  
34 having committed an act that if committed by an adult would constitute a sex crime;

35 (c) To **or in** this state under ORS 144.610 after being convicted in another United States court  
36 of a crime that would constitute a sex crime if committed in this state; or

37 (d) To **or in** this state after having been found by another United States court to have commit-  
38 ted an act while the person was under 18 years of age that would constitute a sex crime if com-  
39 mitted in this state by an adult.

40 (3) The court shall ensure that the person completes a form that documents the person's obli-  
41 gation to report under ORS 181.595 or this section. No later than three working days after the  
42 person completes the form required by this subsection, the court shall ensure that the form is sent  
43 to the Department of State Police.

44 (4)(a) A person described in subsection (2) of this section shall report, in person, to the Depart-  
45 ment of State Police, a city police department or a county sheriff's office or, if the person is under

1 supervision, to the supervising agency:

2 (A) Within 10 days following discharge, release or placement on probation;

3 (B) Within 10 days of a change of residence;

4 (C) Once each year within 10 days of the person's birth date, regardless of whether the person  
5 changed residence;

6 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an  
7 institution of higher education; and

8 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher  
9 education.

10 (b) If the person required to report under this subsection is a youth offender, as defined in ORS  
11 419A.004, who is under supervision, the person shall report to the agency supervising the person.

12 (c) The obligation to report under this subsection terminates if the conviction or adjudication  
13 that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

14 (5) As part of the registration and reporting requirements of this section:

15 (a) The person required to report shall:

16 (A) Provide the information necessary to complete the sex offender registration form and sign  
17 the form as required; and

18 (B) Submit to the requirements described in paragraph (b) of this subsection.

19 (b) The Department of State Police, the city police department, the county sheriff's office or the  
20 supervising agency:

21 (A) Shall photograph the person when the person initially reports under this section and each  
22 time the person reports annually under this section;

23 (B) May photograph the person or any identifying scars, marks or tattoos located on the person  
24 when the person reports under any of the circumstances described in this section; and

25 (C) Shall fingerprint the person if the person's fingerprints are not included in the record file  
26 of the Department of State Police [*bureau of criminal identification*].

27 **SECTION 26.** ORS 181.597 is amended to read:

28 181.597. (1)(a) When a person described in subsection (2) of this section moves into this state  
29 and is not otherwise required by ORS 181.595 or 181.596 to report, the person shall report, in person,  
30 to the Department of State Police, a city police department or a county sheriff's office:

31 (A) No later than 10 days after moving into this state;

32 (B) Within 10 days of a change of residence;

33 (C) Once each year within 10 days of the person's birth date, regardless of whether the person  
34 changed residence;

35 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an  
36 institution of higher education; and

37 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher  
38 education.

39 (b) When a person described in subsection (2) of this section attends school or works in this  
40 state, resides in another state and is not otherwise required by ORS 181.595 or 181.596 to report,  
41 the person shall report, in person, to the Department of State Police, a city police department or a  
42 county sheriff's office no later than 10 days after:

43 (A) The first day of school attendance or the 14th day of employment in this state; and

44 (B) A change in school enrollment or employment.

45 (c) When a person described in subsection (2) of this section resides in this state at the time of

1 the conviction or adjudication giving rise to the obligation to report, continues to reside in this  
 2 state following the conviction or adjudication and is not otherwise required by ORS 181.595 or  
 3 181.596 to report, the person shall report, in person, to the Department of State Police, a city police  
 4 department or a county sheriff's office:

5 (A) Within 10 days following:

6 (i) Discharge, release on parole or release on any form of supervised or conditional release, from  
 7 a jail, prison or other correctional facility or detention facility; or

8 (ii) Discharge, release or placement on probation, by another United States court;

9 (B) Within 10 days of a change of residence;

10 (C) Once each year within 10 days of the person's birth date, regardless of whether the person  
 11 has changed residence;

12 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an  
 13 institution of higher education; and

14 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher  
 15 education.

16 (d) As used in paragraph (b) of this subsection, "attends school" means enrollment in any type  
 17 of school on a full-time or part-time basis.

18 (e) When a person reports under this subsection, the agency to which the person reports shall  
 19 complete a sex offender registration form concerning the person.

20 (f) The obligation to report under this section terminates if the conviction or adjudication that  
 21 gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

22 (2) Subsection (1) of this section applies to:

23 (a) A person convicted in another United States court of a crime if the elements of the crime  
 24 would constitute a sex crime;

25 (b) A person found by another United States court to have committed an act while the person  
 26 was under 18 years of age that would constitute a sex crime if committed in this state by an adult;  
 27 and

28 (c) A person required to register in another state for having committed a sex offense in that  
 29 state regardless of whether the crime would constitute a sex crime in this state.

30 (3) As part of the registration and reporting requirements of this section:

31 (a) The person required to report shall:

32 (A) Provide the information necessary to complete the sex offender registration form and sign  
 33 the form as required; and

34 (B) Submit to the requirements described in paragraph (b) of this subsection.

35 (b) The Department of State Police, the city police department or the sheriff's office:

36 (A) Shall photograph the person when the person initially reports under this section, each time  
 37 the person reports annually under subsection (1)(a)(C) of this section and each time the person re-  
 38 ports under subsection (1)(b)(B) of this section;

39 (B) May photograph the person or any identifying scars, marks or tattoos located on the person  
 40 when the person reports under any of the circumstances described in this section; and

41 (C) Shall fingerprint the person if the person's fingerprints are not included in the record file  
 42 of the Department of State Police [*bureau of criminal identification*].

43 **SECTION 27.** ORS 194.024 is amended to read:

44 194.024. (1) To assist in determining the identity of an applicant for notary public, or if the ap-  
 45 plicant has been convicted of a felony or of a lesser offense incompatible with the duties of a notary

1 public, upon consent of the person making application for appointment as notary public and upon  
2 request of the Secretary of State, the Department of State Police shall furnish to the Secretary of  
3 State any information that the department may have in its possession [*from its central bureau of*  
4 *criminal identification*], including but not limited to manual or computerized information and any  
5 information to which the department may have access, including but not limited to the Law  
6 Enforcement Data System established in ORS 181.730. For purposes of receiving the information  
7 described in this subsection, the Secretary of State is a “criminal justice agency” under ORS 181.010  
8 to 181.560 and 181.715 to 181.730 and the rules adopted under ORS 181.555.

9 (2) A person making application for appointment as notary public shall be deemed, upon signing  
10 or with signature upon the application filed under ORS 194.014, to have given the consent necessary  
11 for purposes of subsection (1) of this section.

12 **SECTION 28.** ORS 250.048, as amended by section 4, chapter 9, Oregon Laws 2010, is amended  
13 to read:

14 250.048. (1) A person may not pay money or other valuable consideration to another person for  
15 obtaining signatures of electors on a state initiative, referendum or recall petition or a prospective  
16 petition for a state measure to be initiated, and a person may not receive money or other valuable  
17 consideration for obtaining signatures of electors on a state initiative, referendum or recall petition  
18 or a prospective petition for a state measure to be initiated, unless the person obtaining the signa-  
19 tures:

20 (a) Registers with the Secretary of State in the manner prescribed by this section and by rule  
21 of the secretary; and

22 (b) Completes the training program prescribed by rule of the secretary.

23 (2) A person may apply to the secretary for a registration required under subsection (1) of this  
24 section. The application shall include:

25 (a) The full name and any assumed name of the applicant;

26 (b) The residential street address of the applicant;

27 (c) An example of the signature of the applicant;

28 (d) A list of the prospective petitions on which the applicant will gather signatures;

29 (e) A list of the initiative, referendum and recall petitions on which the applicant will gather  
30 signatures;

31 (f) If the applicant has been convicted for a criminal offense involving fraud, forgery or iden-  
32 tification theft, information relating to the circumstances of the conviction as required by the sec-  
33 retary;

34 (g) A statement signed by the applicant acknowledging that the applicant has read and under-  
35 stands Oregon law applicable to the gathering of signatures on state initiative, referendum and re-  
36 call petitions and prospective petitions for state measures to be initiated, as the law is summarized  
37 in the training program established by the Secretary of State;

38 (h) Evidence indicating that the applicant has completed the training required by the secretary  
39 by rule;

40 (i) A photograph of the applicant; and

41 (j) A statement signed by a chief petitioner of each petition or prospective petition, or a person  
42 designated by a chief petitioner under this paragraph, upon which the applicant will gather signa-  
43 tures acknowledging that the chief petitioner is liable for violations of law or rule committed by the  
44 person obtaining signatures as provided in ORS 260.561. A chief petitioner may designate a person  
45 to sign a statement described in this paragraph on behalf of the chief petitioner.

1 (3)(a) If an applicant complies with subsection (2) of this section, not later than five business  
2 days after the applicant applies, the secretary shall register the applicant and assign the applicant  
3 a registration number.

4 (b) A person who is registered to obtain signatures on a prospective petition for a state measure  
5 to be initiated need not reapply for a registration under this section in order to obtain signatures  
6 on a state initiative, referendum or recall petition, except that the person shall submit a list of the  
7 initiative, referendum and recall petitions on which the person will gather signatures.

8 (c) A registration to obtain signatures on a state initiative petition or a prospective petition for  
9 a state measure to be initiated is valid until the date that is four months before the next general  
10 election.

11 (d) A registration to obtain signatures on a referendum or recall petition is valid until the date  
12 the petition is filed for signature verification.

13 (4) A person may not apply for registration under this section if, during the five-year period  
14 prior to the date of application, the person:

15 (a) Has been convicted for a criminal offense involving fraud, forgery or identification theft in  
16 any state;

17 (b) Has had a civil penalty imposed under ORS 260.995 for a violation of this section or ORS  
18 260.262; or

19 (c) Has had a civil or criminal penalty imposed for violation of a statute subject to a criminal  
20 penalty under ORS 260.993.

21 (5) To assist in determining the identity of an applicant or whether an applicant has been con-  
22 victed for a criminal offense described in subsection (4) of this section, upon consent of the applicant  
23 and upon request of the secretary, the Department of State Police shall furnish to the secretary any  
24 information that the department may have in its possession [*from its central bureau of criminal*  
25 *identification*], including but not limited to the Law Enforcement Data System established in ORS  
26 181.730, other computerized information and any other information to which the department may  
27 have access. For purposes of receiving the information described in this subsection, the office of the  
28 Secretary of State is a "criminal justice agency" under ORS 181.010 to 181.560 and 181.715 to  
29 181.730 and the rules adopted under ORS 181.555. Upon submitting an application for registration  
30 described in subsection (2) of this section, an applicant is deemed to have given the consent neces-  
31 sary for purposes of this subsection.

32 (6) If a person receives money or other valuable consideration for obtaining signatures of elec-  
33 tors on a state initiative, referendum or recall petition or a prospective petition for a state measure  
34 to be initiated and the person was not registered as required under this section at the time the  
35 signatures were obtained, the secretary may not include any signatures obtained by the person in  
36 a count under ORS 250.045 (3) or 250.105 or ORS chapter 249 for purposes of determining whether  
37 the petition or prospective petition contains the required number of signatures of electors.

38 (7) A person registered under this section shall carry evidence of registration with the person  
39 while the person is obtaining signatures on a state initiative, referendum or recall petition or a  
40 prospective petition for a state measure to be initiated. The evidence of registration shall contain  
41 the photograph and registration number of the person. The secretary by rule shall designate the  
42 form of the evidence of registration.

43 (8) A photograph of an applicant submitted under subsection (2) of this section shall:

44 (a) Be a conventional photograph with a plain background;

45 (b) Show the face or the face, neck and shoulders of the applicant; and

1 (c) Be prepared and processed for printing as prescribed by the secretary.

2 (9) A person registered under this section may not obtain signatures on a petition or prospective  
 3 petition for which the person is being paid and, at the same time, obtain signatures on a petition  
 4 or prospective petition for which the person is not being paid. The secretary may not include any  
 5 signatures obtained in violation of this subsection in a count under ORS 250.045 (3) or 250.105 or  
 6 ORS chapter 249 for purposes of determining whether a state initiative, referendum or recall petition  
 7 or a prospective petition for a state measure to be initiated contains the required number of signa-  
 8 tures of electors.

9 (10) The secretary shall adopt rules necessary to implement this section, including rules:

10 (a) Establishing procedures for registering persons who may be paid money or other valuable  
 11 consideration for obtaining signatures of electors on state initiative, referendum or recall petitions  
 12 or prospective petitions for state measures to be initiated; and

13 (b) Establishing a training program for persons who may be paid money or other valuable con-  
 14 sideration for obtaining signatures of electors on state initiative, referendum or recall petitions or  
 15 prospective petitions for state measures to be initiated.

16 **SECTION 29.** ORS 418.701 is amended to read:

17 418.701. (1) Upon the request of a youth sports provider, and in compliance with [*procedures*]  
 18 **rules** adopted by the Department of State Police under ORS 181.555, the Department of State Police  
 19 shall furnish to the authorized staff of the youth sports provider such information on a subject indi-  
 20 vidual as the Department of State Police may have in its possession [*from its central bureau of*  
 21 *criminal identification*], including but not limited to manual or computerized criminal offender infor-  
 22 mation. With the approval of the Department of State Police, a local law enforcement agency may  
 23 furnish the information described in this subsection to a youth sports provider.

24 (2)(a) Subsequent to furnishing the information required under subsection (1) of this section, the  
 25 Department of State Police shall conduct nationwide criminal records checks of the subject indi-  
 26 vidual through the Federal Bureau of Investigation by use of the subject individual's fingerprints  
 27 and shall report the results to the staff of the youth sports provider, who must be specifically au-  
 28 thorized to receive the information. In accordance with the procedures of the Department of State  
 29 Police, a local law enforcement agency may conduct the criminal records check described in this  
 30 paragraph if the local law enforcement agency has received approval under subsection (1) of this  
 31 section.

32 (b) The Department of State Police or a local law enforcement agency may not transfer the  
 33 fingerprint card used to conduct a criminal records check unless the public agency or person re-  
 34 ceiving the fingerprint card agrees to destroy the fingerprint card or return the fingerprint card to  
 35 the Department of State Police or local law enforcement agency.

36 (c) If a public agency or person returns a fingerprint card to the Department of State Police or  
 37 local law enforcement agency, the Department of State Police or local law enforcement agency shall  
 38 destroy the fingerprint card or return the fingerprint card to the subject individual. The Department  
 39 of State Police or local law enforcement agency may not keep a record of the fingerprints.

40 **SECTION 30.** ORS 419A.250 is amended to read:

41 419A.250. (1) A child, ward, youth or youth offender may be photographed or fingerprinted by  
 42 a law enforcement agency:

43 (a) Pursuant to a search warrant;

44 (b) According to laws concerning adults if the youth has been transferred to criminal court for  
 45 prosecution;

1 (c) Upon consent of both the child or youth and the child or youth's parent after advice that  
2 they are not required to give such consent;

3 (d) Upon request or consent of the child's parent alone if the child is less than 10 years of age,  
4 and if the law enforcement agency delivers the original photographs or fingerprints to the parent  
5 and does not make or retain any copies thereof; or

6 (e) By order of the juvenile court.

7 (2) When a youth is taken into custody under ORS 419C.080, the law enforcement agency taking  
8 the youth into custody shall photograph and fingerprint the youth. When a youth is found within the  
9 jurisdiction of the juvenile court for the commission of an act that would constitute a crime if  
10 committed by an adult, the court shall ensure that the youth offender's fingerprints have been taken.  
11 The law enforcement agency attending upon the court is the agency responsible for obtaining the  
12 fingerprints. The law enforcement agency attending upon the court may, by agreement, arrange for  
13 another law enforcement agency to obtain the fingerprints on the attending agency's behalf.

14 (3) Fingerprint and photograph files or records of children, wards, youths and youth offenders  
15 must be kept separate from those of adults, and fingerprints and photographs known to be those of  
16 a child may be maintained on a local basis only and may not be sent to a central state or federal  
17 depository.

18 (4) Fingerprint and photograph files or records of a child, ward, youth or youth offender are  
19 open to inspection only by, or the contents disclosed only to, the following:

20 (a) Public agencies for use in investigation or prosecution of crimes and of conduct by a child,  
21 ward, youth or youth offender that if committed by an adult would be an offense, provided that a  
22 law enforcement agency may provide information to another agency only when the information is  
23 pertinent to a specific investigation by that agency;

24 (b) The juvenile department and the juvenile court having the child, ward, youth or youth  
25 offender before it in any proceeding;

26 (c) Caseworkers and counselors taking action or otherwise responsible for planning and care of  
27 the child, ward, youth or youth offender;

28 (d) The parties to the proceeding and their counsel; and

29 (e) The victim or a witness of an act or behavior described under ORS 419C.005 (1) or the  
30 victim's parent, guardian, personal representative or subrogee, when necessary to identify the youth  
31 or youth offender committing the act or behavior and identifying the apparent extent of the youth  
32 or youth offender's involvement in the act or behavior.

33 (5)(a) Fingerprint and photograph files or records of youths and youth offenders must be sent to  
34 a central state depository in the same manner as fingerprint and photograph files or records of  
35 adults. The fingerprint and photograph files or records of a youth or youth offender sent to a central  
36 depository under this subsection are open to inspection in the same manner and under the same  
37 circumstances as fingerprint and photograph files or records of adults.

38 (b) A party filing a petition alleging that a youth is within the jurisdiction of the court under  
39 ORS 419C.005 shall notify the central state depository of the following:

40 (A) The filing of a petition alleging that a youth committed an act that if committed by an adult  
41 would constitute a crime; or

42 (B) The dismissal of a petition alleging that a youth committed an act that if committed by an  
43 adult would constitute a crime.

44 (c) The juvenile court shall notify the central state depository of the disposition of a case in  
45 which jurisdiction is based on ORS 419C.005.

1 (d) The Department of State Police shall delete the fingerprint and photograph files or records  
2 of a youth or youth offender from the depository and destroy the files or records relating to the  
3 conduct that caused the files or records to be sent to the depository:

4 (A) One year after receiving the files, if the central state depository has not received notice  
5 under paragraph (b) of this subsection;

6 (B) No later than one year following receipt of a notice of dismissal of a petition under para-  
7 graph (b)(B) of this subsection; or

8 (C) In all other circumstances, no later than five years and 30 days after fingerprint and pho-  
9 tograph files or records are sent to the central state depository.

10 (6) Fingerprint and photograph files and records of a child, ward, youth or youth offender must  
11 be expunged when the juvenile court orders expunction of a child, ward, youth or youth offender's  
12 record pursuant to ORS 419A.260 and 419A.262.

13 (7) The parent or guardian of a missing child may submit a fingerprint card and photograph of  
14 the child to a law enforcement agency at the time a missing person report is made. The law  
15 enforcement agency may submit the fingerprint file to the Department of State Police [*bureau of*  
16 *criminal identification*]. The information must be entered into the Law Enforcement Data System  
17 and the Western Identification Network Automated Fingerprint Identification System.

18 (8) When fingerprint files or records are submitted under subsection (7) of this section, the De-  
19 partment of State Police shall enter in a special index in the computerized criminal history files the  
20 name of the child and the name of the county or agency that submitted the fingerprint file or record.

21 (9) Fingerprints and other information entered in any data system pursuant to subsection (7) of  
22 this section must be deleted when the child is located.

23 **SECTION 31.** ORS 426.160 is amended to read:

24 426.160. The judge shall cause to be recorded in the court records a full account of proceedings  
25 had at all hearings and examinations conducted pursuant to ORS 426.005, 426.060 to 426.170, 426.217,  
26 426.228, 426.255 to 426.292, 426.300 to 426.309, 426.335, 426.385 and 426.395, together with the judg-  
27 ments and orders of the court and a copy of the orders issued. The account of the proceedings and  
28 transcripts of testimony if taken thereat shall be delivered to the court clerk or court administrator  
29 who shall cause it to be sealed and neither the account of the proceedings nor the transcript of  
30 testimony if taken shall be disclosed to any person except:

31 (1) The court shall, pursuant to rules adopted by the Department of State Police, transmit the  
32 minimum information necessary, as defined in ORS 181.740, to the Department of State Police [*bu-*  
33 *reau of criminal identification*] for persons described in ORS 181.740 (1)(a) or (b) to enable the de-  
34 partment to access and maintain the information and transmit the information to the federal  
35 government as required under federal law;

36 (2) As provided in ORS 426.070 (5)(c), 426.130 (3) or 426.170;

37 (3) Upon request of the person subject to the proceedings, the legal representatives, or the at-  
38 torney of the person; or

39 (4) Pursuant to court order.

40 **SECTION 32.** ORS 427.293 is amended to read:

41 427.293. (1) The court shall cause to be recorded in the court records:

42 (a) A full account of all proceedings conducted under ORS 427.235 to 427.290;

43 (b) Reports submitted to the court under ORS 427.270;

44 (c) The judgments and orders of the court; and

45 (d) A copy of the judgments and orders issued.

1 (2) The account of the proceedings, including any transcript of testimony, and reports submitted  
 2 to the court under ORS 427.270 shall be delivered to the court clerk or court administrator who  
 3 shall cause them to be sealed. The account of the proceedings, the reports and any transcript of  
 4 testimony may not be disclosed to any person except:

5 (a) The court shall, pursuant to rules adopted by the Department of State Police, transmit the  
 6 minimum information necessary, as defined in ORS 181.740, to the Department of State Police [*bu-*  
 7 *reau of criminal identification*] for persons described in ORS 181.740 (1)(c) to enable the department  
 8 to maintain the information and transmit the information to the federal government as required  
 9 under federal law;

10 (b) Upon request of the person subject to the proceedings or the legal representative or attorney  
 11 of the person; or

12 (c) Pursuant to an order of the court.

13 **SECTION 33.** ORS 461.110 is amended to read:

14 461.110. (1) Upon the request of the Oregon State Lottery Commission or the Director of the  
 15 Oregon State Lottery, the office of the Attorney General and the Oregon State Police shall furnish  
 16 to the director and to the Assistant Director for Security such information as may tend to ensure  
 17 security, integrity, honesty and fairness in the operation and administration of the Oregon State  
 18 Lottery as the office of the Attorney General and the Oregon State Police may have in their pos-  
 19 session, including, but not limited to, manual or computerized information and data.

20 (2) In order to determine an applicant's suitability to enter into a contract with or to be em-  
 21 ployed by the Oregon State Lottery, each applicant identified in this subsection shall be finger-  
 22 printed. The Assistant Director for Security may submit to the Department of State Police [*bureau*  
 23 *of criminal identification*] and to the Federal Bureau of Investigation, for the purpose of verifying the  
 24 identity of the following persons and obtaining records of their arrests and criminal convictions,  
 25 fingerprints of:

26 (a) With respect to video game retailers, each person for whom ORS 461.300 or an administrative  
 27 rule of the Oregon State Lottery Commission requires disclosure of the person's name and address;

28 (b) With respect to lottery vendors and lottery contractors, each person for whom ORS 461.410  
 29 or an administrative rule of the Oregon State Lottery Commission requires disclosure of the person's  
 30 name and address;

31 (c) Applicants for employment with the Oregon State Lottery; and

32 (d) With respect to other persons and entities that apply for contracts or have contracts with  
 33 the Oregon State Lottery, each person for whom ORS 461.300 requires disclosure of the person's  
 34 name and address and for whom the Assistant Director for Security has prepared written reasons,  
 35 approved in writing by the director, for requiring the confirmation of the person's identity and re-  
 36 cords.

37 (3) For the purpose of requesting and receiving the information described in subsections (1) and  
 38 (2) of this section, the Oregon State Lottery Commission is a state agency and a criminal justice  
 39 agency and its enforcement agents are peace officers pursuant to ORS [*181.010*] **181.610** to 181.712  
 40 and rules adopted thereunder.

41 (4) Enforcement agents, designated as such by the commission, shall have the same authority  
 42 with respect to service and execution of warrants of arrest and search warrants as is conferred upon  
 43 peace officers of this state.

44 **SECTION 34.** ORS 181.556 is repealed.  
 45