

A-Engrossed
House Bill 4091

Ordered by the House February 13
Including House Amendments dated February 13

Sponsored by Representative NATHANSON; Representatives BAILEY, DOHERTY, GELSER, HARKER, HOLVEY, HOYLE, KENY-GUYER, WITT (Presession filed.)

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.

Directs Oregon Department of Administrative Services to convene work group to make recommendations regarding criminal records checks [*on individuals performing activities that require licensing by state*]. Directs department to report to interim committee of Legislative Assembly on work group's recommendations on or before November 30, 2012.

Sunsets January 2, 2013.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to criminal records checks; and declaring an emergency.

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

4 **SECTION 1. (1) The Oregon Department of Administrative Services shall convene a work**
5 **group to develop recommendations for performing criminal records checks.**

6 **(2) The work group must include representatives of:**

7 **(a) The Oregon State Police;**

8 **(b) The Department of Education;**

9 **(c) The Department of Human Services;**

10 **(d) The Department of Corrections;**

11 **(e) The Oregon Department of Administrative Services;**

12 **(f) The State and Local Government Efficiency Task Force created in section 1, chapter**
13 **435, Oregon Laws 2011;**

14 **(g) An agency that licenses individuals;**

15 **(h) A human services organization;**

16 **(i) An association of school employees;**

17 **(j) A local government; and**

18 **(k) An organization that advocates for the privacy rights of individuals.**

19 **(3) The Oregon Department of Administrative Services may include additional members**
20 **in the work group at its discretion.**

21 **(4) In developing its recommendations, the work group shall consider:**

22 **(a) The protection of the public;**

23 **(b) Maintaining high standards of safety and accuracy;**

24 **(c) Acknowledging and addressing disparate procedures that may be required by federal**
25 **and state law;**

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 **(d) Ensuring a timely process;**
 - 2 **(e) Reducing the number and types of criminal records checks required;**
 - 3 **(f) Allowing for transferability of criminal records checks among agencies and organiza-**
 - 4 **tions;**
 - 5 **(g) Determining the feasibility of developing a single system for conducting background**
 - 6 **checks administered by the Department of State Police;**
 - 7 **(h) The cost, accuracy and quality assurance associated with obtaining criminal record**
 - 8 **checks from sources other than the Department of State Police;**
 - 9 **(i) Providing for a system to update criminal records checks when certain events occur;**
 - 10 **and**
 - 11 **(j) Determining the feasibility of allowing authorized persons to access criminal records**
 - 12 **checks on file.**
- 13 **(5) The Oregon Department of Administrative Services shall report on the work group's**
- 14 **recommendations to an appropriate interim committee of the Legislative Assembly on or**
- 15 **before November 30, 2012.**
- 16 **SECTION 2.** **Section 1 of this 2012 Act is repealed on January 2, 2013.**
- 17 **SECTION 3.** **This 2012 Act being necessary for the immediate preservation of the public**
- 18 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
- 19 **on its passage.**
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