



# Oregon

John A. Kitzhaber, MD, Governor

Department of Administrative Services

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To: **House Committee On Consumer Protection and Government Efficiency**

Re: **Testimony Regarding Criminal Records Check Bills: HB 2828; HB 3168; HB 3330; and HB 3331**

Good afternoon Chair Holvey, and members of the committee, my name is Twyla Lawson and I am a Senior Human Resources Consultant with the Chief Human Resources Office (CHRO) at the Department of Administrative Services (DAS). I will be speaking briefly on the following four criminal records bills before you today. Our office was tasked in 2012 by HB 4091 to convene a workgroup and provide a report of recommendations for performing criminal records checks in Oregon. That final report was submitted to your interim committee on December 10<sup>th</sup>, 2012.

**HB 2828** provides the opportunity for Oregon State Police (OSP) to retain fingerprints, in specific, non-criminal circumstances, to reduce the need for resubmission of new prints. It directs and gives OSP rulemaking authority to establish a program to accomplish this. The retained prints will then be able to be used to develop an Oregon only "rap-back" system. Rap-back creates a system in which the interested agency receives notification of new criminal activity which has the potential of eliminating the need for rechecks. This continuous evaluation of a subject individual's criminal records will result in more immediate responses to concerning behavior and will lead to increased safety for vulnerable populations. This is further described on page 14 of our final report in the section titled "Exploring use of single 'Rap-Back' program".

**HB 3168** reduces the overall amount of criminal records checks in Oregon by all agencies. It allows for portability of fitness determinations across programs and authorized agencies and shifts the focus of a criminal records check from the agency/program to the population being served. It provides DAS, in consultation with OSP, rulemaking authority over the criteria for criminal record checks. This would reduce the number of criminal records checks by not requiring multiple checks, when possible, for individuals who are working and/or volunteering in more than one capacity with the same population category. This bill would help provide consistency across the state. I would also like to assure agencies that, should this bill pass, DAS would lead a very collaborative process with stakeholders to ensure the rules were written in the best way possible to ensure we create a more efficient and effective criminal records check process for the state and its citizens. This recommendation of the workgroup is further described on page 19 of our final report in the section titled, "Apply similar criteria in fitness determination within logical 'clusters'".

**HB 3330** mandates all fingerprints captured for criminal records checks to be done so through electronic capture, or "LiveScan" technology. As of April 2012, the federal government stopped accepting hard copy prints and went to only accepting prints nationwide through electronic

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capture. In Oregon the majority of all applicant fingerprint-based records checks currently have fingerprints captured by ink and paper. The hard card prints are then converted to electronic prints for submission to the federal government. This bill also requires agencies designated by the State of Oregon to report, receive or disseminate criminal offending information to conduct a study and report the results on or before October 1<sup>st</sup>, 2014. This study will require agencies to analyze their existing processes and seek additional opportunities to streamline their process to make them more efficient and effective. This recommendation of the workgroup is further described on page 20 of our final report in the section titled, "Increase the use of electronic fingerprint processing (e.g. LiveScan) at point of capture".

**HB 3331** creates a voluntary registry, administered by the OSP, into which individuals with no criminal history can pay a fee to enroll in for the ability to have fewer repeat criminal records checks. Enrollment requires a fingerprint based record check that meets OSP's requirements. Once enrolled the subject individual would then have their record automatically checked quarterly through the Law Enforcement Data System (LEDS). Enrollment would expire after 2 years. This registry could be used by authorized agencies who participate in lieu of repeat criminal records checks. Therefore this bill would result in a reduction of repeat criminal records checks and fingerprint captures creating a more efficient and effective criminal records check process in Oregon. This recommendation of the workgroup is further described on page 19 of our final report in the section titled, "Establish 'clean-box' registries, where practical, within logical "clusters".

Thank you for the opportunity to testify before you today. I would be happy to answer any questions.

Sincerely,



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