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# MEMORANDUM

Legislative Fiscal Office  
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**To:** General Government Subcommittee

**From:** John Terpening, Legislative Fiscal Office  
(503) 986-1824

**Date:** June 4, 2013

**Subject:** HB 3331 Work Session Recommendations

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HB 3331 relates to criminal records checks. The measure directs the Department of State Police to establish a Voluntary Central Criminal Records Check Registry and authorizes certain individuals who are required to complete criminal records checks to enroll in registry and submit evidence of enrollment in registry in lieu of future criminal records checks. The measure has an emergency clause and is effective on passage.

The measure, the original staff measure summary, preliminary Joint Committee on Ways and Means staff measure summary, revenue impact statement [if available], and fiscal impact statement are available on the Oregon Legislative Information System (OLIS).

The measure previously had a work session in the House Committee on Consumer Protection and Government Efficiency on April 11<sup>th</sup>, 2013 and was referred to the Joint Committee on Ways and Means with a unanimous “do pass as amended” recommendation. The measure had a public hearing in the General Government Subcommittee on May 21<sup>st</sup>.

The measure has an indeterminate fiscal and revenue impact to Oregon State Police. The number of registrants in the program is unknown and the amount of the fees for the registry have not been determined.

## **Motion to Move Measure**

The measure is recommended to be moved to the full Committee on Joint Ways and Means.

**Motion: Move HB 3331 to the full committee with a “do pass” recommendation.**

## **Assignment of Carriers**

Full: \_\_\_\_\_  
2nd Chamber: \_\_\_\_\_

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: HB 3331 - A**

Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session  
Legislative Fiscal Office

*Only Impacts on Original or Engrossed  
Versions are Considered Official*

Prepared by: John Terpening  
Reviewed by: Monica Brown  
Date: 4-15-2013

**Measure Description:**

Directs Department of State Police to establish Voluntary Central Criminal Records Check Registry.

**Government Unit(s) Affected:**

Oregon State Police (OSP)

**Summary of Revenue Impact:** See Analysis

**Summary of Expenditure Impact:** See Analysis

**Local Government Mandate:**

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**Analysis:**

The measure directs the Oregon State Police (OSP) to establish a Voluntary Central Criminal Records Check Registry. OSP is directed to establish rules for the enrollment process, provide print and electronic applications, and establish application and renewal fees. The measure allows individuals required to submit to a criminal records check to enroll in the registry program. Once an application has been received, OSP will complete a fingerprint-based criminal records check. If the applicant is then enrolled in the program, state agencies that require criminal records checks may accept enrollment in the program in lieu of completing a criminal records check. Enrollment in the program expires two years from date of enrollment and is subject to renewal. OSP is directed to conduct criminal records checks on enrolled individuals annually and remove individuals found to be ineligible. Once an individual is removed in this manner, OSP is directed to inform the state agency of the removal. An individual that has been denied enrollment or removed may appeal. The measure is effective on passage and allows OSP to take any action before the operative date to implement the program. The registry is operative January 1, 2014.

The fiscal impact is indeterminate. The potential number of participants in the registry and the type of background check that will be required of the program is unknown. Currently, OSP provides a variety of background checks. For organizations that are not regulated by the state, such as church groups, mentor programs, and volunteers, OSP provides a clearinghouse background check of both state and nationwide databases as well as FBI records, at a cost of \$52. Criminal background checks conducted by OSP for job applicants typically cost state agencies \$44.50 and includes state and nationwide databases and FBI records. OSP is unclear at this time if FBI records checks would be allowed for the provisions of the measure.

The revenue impact is indeterminate. The fee amounts for application and renewal have not been established.

The Legislative Fiscal Office (LFO) notes that the demand for the registry program is indeterminate and that once the level of demand, scope and data requirements of the program are identified the legislature may need to review staffing requirements in the future should this legislation pass.

**REVENUE:** No revenue impact

**FISCAL:** Fiscal statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Ways and Means by Prior Reference
<b>Vote:</b>	9 - 0 - 0
<b>Yeas:</b>	Doherty, Johnson, Keny-Guyer, Lively, Richardson, Smith, Thatcher, Vega Pederson, Holvey
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Bob Estabrook, Administrator
<b>Meeting Dates:</b>	3/21, 4/11

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**WHAT THE MEASURE DOES:** Requires Department of State Police to establish Voluntary Central Criminal Records Check Registry. Allows individual subject to criminal records check to enroll in registry and submit evidence of enrollment in registry in lieu of submitting to additional criminal records check. Authorizes Department to establish requirements for enrollment and to enroll individuals meeting certain criteria. Limits enrollment in registry to two years unless renewed and requires Department to conduct annual records check on all enrollees and remove individuals no longer meeting criteria for enrollment. Requires Department to notify agency that accepted evidence of enrollment of individual's removal from registry. Becomes operative January 1, 2014. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Redundancy of checks currently required, particularly in certain professions
- Potential discrimination against individuals not participating in registry
- Existing requirement that fingerprints be destroyed instead of retained
- Potential barriers to employment created by decentralization and redundancy of checks

**EFFECT OF COMMITTEE AMENDMENT:** Allows enrollee to withdraw from registry. Directs Department of State Police to establish by rule process for requesting withdrawal. Reduces frequency of Department records check on all enrollees from quarterly to annual. Allows mass transit and transportation districts to participate in registry. Requires Department to establish by rule process for appealing denial of enrollment or removal from registry. Requires offer of employment be extended before agency may inquire about whether individual is enrolled in registry.

**BACKGROUND:** In 2012, the Legislative Assembly directed the Department of Administrative Services (DAS) to convene a work group to make recommendations for performing criminal records checks (House Bill 4091). The report of the work group contains seven recommendations for further action, including the development of a cluster of entities that could form a pilot project on the use of a voluntary registry system.

House Bill 3331 A establishes a Voluntary Central Criminal Records Check Registry in the Department of State Police and directs the Department to annually check the records of enrollees and remove individuals who are no longer eligible for enrollment. Agencies that require criminal record checks may accept evidence of enrollment in the registry as an alternative to conducting a check on an individual, and the Department is required to notify agencies who have accepted such evidence of the removal of an individual from the registry. The Department is authorized to administer the registry, including setting fees and other rules necessary to its operation. Provisions of the bill become operative on January 1, 2014.

4/15/2013 3:38:00 PM

*This summary has not been adopted or officially endorsed by action of the committee.*

Joint Committee on Ways and Means

Carrier – House: Rep.  
Carrier – Senate: Sen.

Revenue:

Fiscal:

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Action:

Vote:

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

**Prepared By:** John Terpening, Legislative Fiscal Office

**Meeting Date:** [Full Committee Meeting Date]

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**WHAT THE MEASURE DOES:** Requires Department of State Police to establish Voluntary Central Criminal Records Check Registry. Allows individual subject to criminal records check to enroll in registry and submit evidence of enrollment in registry in lieu of submitting to additional criminal records check. Authorizes Department to establish requirements for enrollment and to enroll individuals meeting certain criteria. Limits enrollment in registry to two years unless renewed and requires Department to conduct annual records check on all enrollees and remove individuals no longer meeting criteria for enrollment. Requires Department to notify agency that accepted evidence of enrollment of individual's removal from registry. Becomes operative January 1, 2014. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Fiscal impact of the measure

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** In 2012, the Legislative Assembly directed the Department of Administrative Services (DAS) to convene a work group to make recommendations for performing criminal records checks (House Bill 4091). The report of the work group contains seven recommendations for further action, including the development of a cluster of entities that could form a pilot project on the use of a voluntary registry system.

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