

HB 3331

Relating to criminal records checks

HB 3331 directs the Department of State Police to establish a Voluntary Central Criminal Records Check Registry. The registry allows individuals to submit evidence of enrollment in the registry in lieu of future criminal records checks. Enrollment in the registry is limited to two years unless renewed, and requires the Department to conduct annual records checks on all enrollees.

The fiscal impact is indeterminate. The number of registrants in the program is unknown and the amount of the fee for participation in the registry has not been determined.

The General Government Subcommittee recommends HB 3331 be reported out do pass.

Joint Committee on Ways and Means

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

Revenue: No revenue impact

Fiscal: Fiscal statement issued

Action: Do Pass the A-Engrossed Measure

Vote:

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

Prepared By: John Terpening, Legislative Fiscal Office

Meeting Date: June 12, 2013

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.

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.

FISCAL IMPACT OF PROPOSED LEGISLATION

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

Measure: HB 3331 - A

*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.