

Enrolled House Bill 2920

Sponsored by Representative TOMEI

CHAPTER

AN ACT

Relating to criminal offender record checks; amending ORS 181.557; and declaring an emergency.

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

SECTION 1. ORS 181.557 is amended to read:

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

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

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

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

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

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

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

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

[(3)(a)] (b) **If criminal offender information is obtained under this subsection without the individual's written consent or written notice to the individual,** the Department of Human Services shall provide written notice to the individual *[of the criminal offender record check]* **as provided in subsection (3) of this section** after the department obtains **the** criminal offender information *[under subsection (2) of this section]*.

[(b)] (3)(a) **Notwithstanding subsection (1) of this section, written notice as described in paragraph (b) of this subsection must be provided to an individual:**

(A) In the circumstances described in subsection (2) of this section, whether the notice is provided before or after the criminal offender information about the individual is obtained.

(B) Before the criminal offender information about the individual is obtained, if the information is obtained after an investigation described in subsection (2) of this section is concluded.

(b) [Notice provided] The written notice required under this subsection [shall] that a criminal offender record check will be or has been made must include[:]

[(A)] a statement that the individual may challenge the accuracy of criminal offender information and notice of the manner in which the individual may be informed of the procedures adopted under ORS 181.555 (3) for challenging inaccurate criminal offender information.[: and]

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

SECTION 2. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by House May 1, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 29, 2013

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

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Kate Brown, Secretary of State