

House Bill 2920

Sponsored by Representative TOMEI

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 **as introduced**.

Amends statements required for notice of criminal offender record check in investigations of child abuse or neglect.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to criminal offender record checks; amending ORS 181.557; and declaring an emergency.

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

4 **SECTION 1.** ORS 181.557 is amended to read:

5 181.557. (1) When a designated agency requests criminal offender information about an individ-
6 ual from the Department of State Police under ORS 181.555 (1) for agency employment, licensing or
7 other permissible purposes, the agency shall provide documentation that the individual:

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

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

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

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

21 (2)(a) Notwithstanding subsection (1) of this section, the Department of Human Services may
22 obtain criminal offender information from the Department of State Police about an individual with-
23 out first obtaining the individual's written consent or giving written notice to the individual when:

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

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

28 [(3)(a)] (b) **If criminal offender information is obtained under this subsection without the**
29 **individual's written consent or written notice to the individual**, the Department of Human Ser-
30 vices shall provide written notice to the individual [*of the criminal offender record check*] **as pro-**
31 **vided in subsection (3) of this section** after the department obtains **the** criminal offender

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 information [*under subsection (2) of this section*].

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

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

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

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

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

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

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

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