

Enrolled
House Bill 3330

Sponsored by Representative NATHANSON; Representatives GELSER, WILLIAMSON

CHAPTER

AN ACT

Relating to electronic fingerprint capture; and declaring an emergency.

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

SECTION 1. (1)(a) Except as provided in subsection (2) of this section, the Department of State Police and any other governmental agency authorized to report, receive or disseminate criminal offender information shall use electronic fingerprint capture technology to take and submit a person’s fingerprints for purposes of conducting criminal records checks under ORS 181.533, 181.534 or 267.237 or for any other purpose authorized by law.

(b) The department may adopt by rule exemptions from the requirement described in paragraph (a) of this subsection.

(2)(a) This section applies to the department only with respect to the administration of criminal records checks under ORS 181.533, 181.534 and 267.237.

(b) This section does not apply to a criminal justice agency, as defined in ORS 181.010, that is authorized by federal law to receive fingerprint-based criminal records checks from the Federal Bureau of Investigation.

(3) To meet the requirements of this section, the department and other governmental agencies described in subsection (1) of this section may:

- (a) Directly provide electronic fingerprint capture services; or
- (b) Enter into a contract described in subsection (4) of this section for the provision of electronic fingerprint capture services.

(4) The Oregon Department of Administrative Services shall develop a standard contract by which the Department of State Police and other governmental agencies described in subsection (1) of this section may contract for the provision of electronic fingerprint capture services. Contracts developed under this subsection must account for the variety of uses and levels of service necessary to accommodate the needs of the Department of State Police, other governmental agencies described in subsection (1) of this section, qualified entities as defined in ORS 181.533, qualified entities as defined in ORS 181.537, qualified entities as defined in ORS 267.237 and any other entity required by law or rule to conduct criminal records checks for purposes not related to the administration of the criminal justice system.

SECTION 2. (1) For purposes of this section, “agency designated by the State of Oregon to report, receive or disseminate criminal offender information” means:

- (a) An authorized agency, as defined in ORS 181.533;
- (b) An authorized agency, as defined in ORS 181.534; and
- (c) The Department of Human Services, the Oregon Health Authority and the Employment Department, as authorized by ORS 181.537.

(2) Each agency designated by the State of Oregon to report, receive or disseminate criminal offender information shall conduct a study of:

(a) The agency's processes related to fingerprint capture;

(b) Whether those processes require fingerprinting only:

(A) When required by federal law or regulation;

(B) For identity verification; or

(C) When equivalent verifying information is not available through other means; and

(c) Steps that the agency may take to reduce repetitive fingerprint capture.

(3) Each agency designated by the State of Oregon to report, receive or disseminate criminal offender information shall report the results of the study to the interim committees of the Legislative Assembly related to general government protection on or before October 1, 2014.

SECTION 3. Section 1 of this 2013 Act becomes operative on January 1, 2014.

SECTION 4. Section 2 of this 2013 Act is repealed on January 2, 2015.

SECTION 5. 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 June 24, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 28, 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