

# House Bill 3330

Sponsored by Representative NATHANSON; Representatives GELSER, WILLIAMSON

## 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**.

Requires use of electronic fingerprint capture technology for purposes of conducting criminal records checks not related to administration of criminal justice system. Becomes operative January 1, 2014.

Requires each agency designated by State of Oregon to report, receive or disseminate criminal offender information to conduct study on fingerprinting processes and to report results of study to interim committees of Legislative Assembly related to general government protection on or before October 1, 2014. Sunsets January 2, 2015.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to electronic fingerprint capture; and declaring an emergency.

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

4 **SECTION 1. (1) Except as provided in subsection (2) of this section, the Department of**  
5 **State Police and any other governmental agency authorized to report, receive or disseminate**  
6 **criminal offender information shall use electronic fingerprint capture technology to take a**  
7 **person's fingerprints for purposes of conducting criminal records checks under ORS 181.533,**  
8 **181.534 or 267.237 or for any other purpose authorized by law.**

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

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

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

16 (a) **Directly provide electronic fingerprint capture services; or**

17 (b) **Enter into a contract described in subsection (4) of this section for the provision of**  
18 **electronic fingerprint capture services.**

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

28 **SECTION 2. (1) For purposes of this section, "agency designated by the State of Oregon**

**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 to report, receive or disseminate criminal offender information” means:

2 (a) An authorized agency, as defined in ORS 181.533;

3 (b) An authorized agency, as defined in ORS 181.534; and

4 (c) The Department of Human Services, the Oregon Health Authority and the Employ-  
5 ment Department, as authorized by ORS 181.537.

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

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

9 (b) Whether those processes require fingerprinting only:

10 (A) When required by federal law or regulation;

11 (B) For identity verification; or

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

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

14 (3) Each agency designated by the State of Oregon to report, receive or disseminate  
15 criminal offender information shall report the results of the study to the interim committees  
16 of the Legislative Assembly related to general government protection on or before October  
17 1, 2014.

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

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

20 SECTION 5. This 2013 Act being necessary for the immediate preservation of the public  
21 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
22 on its passage.  
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