

Enrolled
House Bill 3331

Sponsored by Representative NATHANSON; Representatives GILLIAM, HOYLE

CHAPTER

AN ACT

Relating to criminal records checks; and declaring an emergency.

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

SECTION 1. (1) The Department of State Police shall establish a Voluntary Central Criminal Records Check Registry.

(2) An individual who is required to submit to a criminal records check pursuant to ORS 181.533, 181.534, 181.537 or 267.237 may enroll in the registry as provided in this section.

(3)(a) The department shall prescribe by rule the form and manner for enrolling in the registry. The department shall make print and electronic applications for enrollment in the registry available for use by qualified entities under ORS 181.533 and 181.537, authorized agencies under ORS 181.534 and districts under ORS 267.237.

(b) Upon receiving an application for enrollment in the registry, the department shall complete a criminal records check under ORS 181.534. The department shall enroll the individual in the registry if:

(A) The department determines the individual has no criminal history;

(B) The individual has paid the application fee established by the department under subsection (11) of this section; and

(C) The individual has complied with the rules of the department adopted under this section.

(4) The department may conditionally enroll an individual in the registry pending the results of a nationwide criminal records check through the Federal Bureau of Investigation if the individual has met other requirements of the department for enrollment in the registry.

(5) The department shall adopt by rule a process by which an individual may appeal denial of enrollment in the registry or removal from the registry.

(6)(a) A qualified entity under ORS 181.533 or 181.537 may accept evidence of enrollment in the registry from an individual who is enrolled in the registry in lieu of the qualified entity's own requirement of completing a criminal records check.

(b) An authorized agency under ORS 181.534 may accept evidence of enrollment in the registry from an individual who is enrolled in the registry in lieu of the authorized agency's own requirement of completing a criminal records check.

(c) A district under ORS 267.237 may accept evidence of enrollment in the registry from an individual who is enrolled in the registry in lieu of the district's own requirement of completing a criminal records check.

(7) If an individual is required to submit to a criminal records check under ORS 181.533, 181.534, 181.537 or 267.237 for the purpose of employment, the qualified entity, authorized agency or district may not inquire as to whether the individual is enrolled in the registry until after the qualified entity, authorized agency or district has offered the individual employment.

(8) Enrollment in the registry expires two years from the date of enrollment, but may be renewed upon:

(a) Application to the department;

(b) Payment of the renewal fee established by the department under subsection (11) of this section; and

(c) Compliance with rules adopted by the department under this section.

(9) An individual who enrolls in the registry established under this section may at any time request that the department remove the individual from the registry. Upon receiving a request under this subsection, the department shall remove the individual from the registry. The department shall prescribe by rule the form and manner of making a request under this subsection.

(10) The department shall conduct on an annual basis a criminal records check on individuals enrolled in the registry. If the criminal records check reveals information that would make the individual ineligible for enrollment, the department shall remove the individual from the registry and inform a qualified entity or an authorized agency that has accepted evidence of enrollment in the registry in lieu of completing a criminal records check of the removal.

(11) The department shall adopt all rules necessary and proper to carry out this section, including but not limited to rules establishing application and renewal fees.

SECTION 2. (1) Section 1 of this 2013 Act becomes operative on January 1, 2014.

(2) The Department of State Police may take any action before the operative date specified in subsection (1) of this section necessary to enable the department to implement the Voluntary Central Criminal Records Check Registry described in section 1 of this 2013 Act before the operative date specified in subsection (1) of this section.

SECTION 3. 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 21, 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 27, 2013

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Peter Courtney, President of Senate

Received by Governor:

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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