

D R A F T

SUMMARY

Establishes Task Force on Criminal Records Checks for Professions that Involve Essential Services. Directs task force to study use of criminal records checks to evaluate prospective employees for professions regulated by specified agencies that involve essential services.

Sunsets December 31, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to criminal records checks for professions that involve essential
3 services; and declaring an emergency.

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

5 **SECTION 1. (1) The Task Force on Criminal Records Checks for**
6 **Professions that Involve Essential Services is established, consisting**
7 **of the following 15 members:**

8 (a) **One nonvoting member appointed by the President of the Senate**
9 **from among the members of the Senate.**

10 (b) **One nonvoting member appointed by the Speaker of the House**
11 **of Representatives from among members of the House of Represen-**
12 **tatives.**

13 (c) **The Long Term Care Ombudsman or the Long Term Care**
14 **Ombudsman's designee.**

15 (d) **The following 12 members appointed by the Governor:**

16 (A) **One member who is a representative of the Department of Hu-**
17 **man Services and who is knowledgeable about the department's rules**
18 **regulating criminal records checks;**

1 (B) One member who is a representative of the Oregon Patient
2 Safety Commission;

3 (C) One member who is a representative of the Office of Child Care;

4 (D) One member who is a representative of the Oregon Department
5 of Administrative Services;

6 (E) One member who is a representative of the Department of
7 Justice;

8 (F) One member who is a representative of the American Civil
9 Liberties Union;

10 (G) One member who represents individuals with developmental
11 disabilities or seniors;

12 (H) One member who represents a child advocacy organization that
13 advocates for policies and programs related to keeping children
14 healthy and safe and on behalf of foster children, impoverished chil-
15 dren and neglected and abused children;

16 (I) One member who represents a long term care industry trade
17 association that promotes the interests of nursing homes, assisted
18 living facilities, residential care facilities, senior housing facilities and
19 in-home care agencies;

20 (J) Two union representatives, each from a separate union for one
21 of the following types of workers:

22 (i) State workers;

23 (ii) Workers who provide services to individuals with developmental
24 disabilities;

25 (iii) Workers who provide services to seniors;

26 (iv) Workers who provide child care services; or

27 (v) Workers who provide long term care services; and

28 (K) One member who is an expert in criminology.

29 (2)(a) The task force shall study the use of criminal records checks
30 to evaluate prospective employees for professions:

31 (A) Regulated by the Department of Human Services, the Oregon

1 **Health Authority, the Office of Child Care and the Oregon Department**
2 **of Administrative Services; and**

3 **(B) That involve essential services, particularly for:**

4 **(i) Services to individuals with developmental disabilities;**

5 **(ii) Services to seniors;**

6 **(iii) Child care services; or**

7 **(iv) Long term care services.**

8 **(b) In conducting the study under this subsection, the task force**
9 **shall:**

10 **(A) Examine the types of crimes that generally preclude prospective**
11 **employees from obtaining the types of positions described in paragraph**
12 **(a) of this subsection;**

13 **(B) Analyze the benefits associated with criminal records checks,**
14 **including any benefits related to preventing risks associated with**
15 **recidivism; and**

16 **(C) Analyze the burdens associated with criminal records checks,**
17 **including any burdens related to creating barriers to employment.**

18 **(3) A majority of the voting members of the task force constitutes**
19 **a quorum for the transaction of business.**

20 **(4) Official action by the task force requires the approval of a ma-**
21 **jority of the voting members of the task force.**

22 **(5) The task force shall elect one of the voting members of the task**
23 **force to serve as chairperson.**

24 **(6) If there is a vacancy for any cause, the appointing authority**
25 **shall make an appointment to become immediately effective.**

26 **(7) The task force shall meet at times and places specified by the**
27 **call of the chairperson or of a majority of the voting members of the**
28 **task force.**

29 **(8) The task force may adopt rules necessary for the operation of**
30 **the task force.**

31 **(9)(a) The task force shall submit a report in the manner provided**

1 in ORS 192.245 to the interim committees of the Legislative Assembly
2 related to human services no later than September 15, 2016.

3 (b) The task force may include in the report submitted under par-
4 agraph (a) of this subsection recommendations for legislation, pro-
5 vided that the recommendations complement the current statutory
6 framework for conducting criminal records checks under ORS 181.534,
7 181.537 and 181.547 and section 6, chapter 104, Oregon Laws 2014.

8 (10) The Department of Human Services shall provide staff support
9 to the task force.

10 (11) Members of the task force who are not members of the Legis-
11 lative Assembly are not entitled to compensation, but may be reim-
12 bursed for actual and necessary travel and other expenses incurred by
13 them in the performance of their official duties in the manner and
14 amounts provided for in ORS 292.495. Claims for expenses incurred in
15 performing functions of the task force shall be paid out of funds ap-
16 propriated to the Department of Human Services for purposes of the
17 task force.

18 (12) All agencies of state government, as defined in ORS 174.111, are
19 directed to assist the task force in the performance of its duties and,
20 to the extent permitted by laws relating to confidentiality, to furnish
21 such information and advice as the members of the task force consider
22 necessary to perform their duties.

23 **SECTION 2.** Section 1 of this 2015 Act is repealed on December 31,
24 2016.

25 **SECTION 3.** This 2015 Act being necessary for the immediate pres-
26 ervation of the public peace, health and safety, an emergency is de-
27 clared to exist, and this 2015 Act takes effect on its passage.

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