

PRELIMINARY STAFF MEASURE SUMMARY**CARRIER:**

Senate Committee on Human Services and Early Childhood

REVENUE: No revenue impact**FISCAL: May have fiscal impact, statement not yet issued****SUBSEQUENT REFERRAL TO: None****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Cheyenne Ross, Administrator**Meeting Dates:** 4/9

WHAT THE MEASURE DOES: Requires pre-hiring fitness determination about applicants for direct-care positions who have specified criminal history. Declares emergency, effective on passage.

ISSUES DISCUSSED:**EFFECT OF COMMITTEE AMENDMENT:**

BACKGROUND: Oregon law currently prohibits persons convicted of certain crimes from being employed in positions that provide direct care to persons in residential facilities or adult foster homes, or to persons who receive in-home assistance. These crimes, including inchoates, are: aggravated murder, murder, first and second-degree manslaughter, criminally negligent homicide, aggravated vehicular homicide, all degrees of assault, strangulation, first and second-degree mistreatment, first and second-degree kidnapping, first and second-degree forced servitude, human trafficking, coercion, public and private indecency, child abandonment, buying or selling a minor, first-degree child neglect, second-degree possession of child pornography, invasion of privacy, first-degree theft and aggravated theft, organized retail theft, certain theft-of-services crimes, first and second-degree burglary, first-degree arson, certain computer crimes, first and second-degree robbery, first-degree forgery, first-degree possession of forged instrument, possession of forgery device, identity theft and aggravated identity theft, promoting or compelling prostitution, luring a minor, first-degree and aggravated animal abuse, crimes requiring sex offender registration, and crimes involving delivery or manufacture of controlled substances within the past ten years. Mental Health and Substances Abuse providers are excepted.

Senate Bill 909 lifts the outright prohibition and instead requires a pre-hiring fitness determination for all the above convictions, except, applicants will still be prohibited from employment outright for crimes requiring sex offender registration; crimes involving delivery or manufacture of controlled substances within the past ten years; and inchoates of these. Applicants will also still be prohibited outright from positions that provide direct care to the persons age 65 or older, for convictions within the past five years, for public or private indecency, invasion of privacy, first-degree theft, theft of services, computer crimes, and inchoates of these. The exception for Mental Health and Substance Abuse providers remains.