

STAFF MEASURE SUMMARY**House Committee On Consumer Protection and Government Effectiveness****Fiscal:** Fiscal impact issued**Revenue:** No Revenue Impact**Action Date:** 04/02/15**Action:** Do Pass As Amended, Be Printed Engrossed, And Bill Be Referred To Ways And Means.**Meeting Dates:** 03/12, 04/02**Vote:**

Yeas: 7 - Buehler, Fagan, Holvey, McLain, Nearman, Rayfield, Stark

Prepared By: Wendy Simons, Committee Administrator

WHAT THE MEASURE DOES:

Authorizes Department of Administrative Services (DAS) to adopt rules relating to electronic fingerprint capture. Directs DAS to adopt rules establishing factors to be considered when making fitness determinations and appealing fitness determinations. Applies laws requiring use of uniform rules regarding making of fitness determinations to state agencies and entities currently exempt from such rules. Allows Chief Justice of Supreme Court to adopt rules requiring fingerprints for individuals seeking to work for or provide services to the Judicial Department, after considering rules adopted by DAS. Becomes operative January 1, 2016. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Process begun in 2012 to improve state criminal background check process
- Opportunities to streamline criminal background check process for job seekers, employers, nonprofits and volunteers
- Portability of criminal background checks

EFFECT OF COMMITTEE AMENDMENT:

Clarifies that DAS shall make rules establishing factors to be considered related to an individual's criminal history in making fitness determinations. Allows Chief Justice of Supreme Court to adopt rules requiring fingerprints for individuals seeking to work for or provide services to the Judicial Department, after considering rules adopted by DAS. Clarifies that agencies shall inform qualified entity, rather than authorized agency, of the results of fitness determination. Deletes language allowing agencies to provide results of fitness determination to qualified entity. Corrects reference to Oregon Health Authority.

BACKGROUND:

In 2012 the Legislative Assembly passed House Bill 4091 establishing a workgroup to consider the statewide system of criminal background checks and evaluate potential improvements in timeliness, cost and reduction of duplication. Three bills related to criminal records checks for licensure and employment purposes grew out of the workgroup process, and were enacted in the 2013 session: House Bill 3330 requiring the Oregon State Police to adopt electronic fingerprint capture technology; House Bill 3331 directing the Oregon State Police to establish a voluntary, centralized criminal records check registry; and House Bill 3168 requiring DAS to adopt rules to establish statewide criteria for agencies and other entities to conduct criminal background checks for purposes other than criminal justice.

House Bill 2250-A continues the process begun with House Bill 3168 (2013) of moving rule-making related to background and criminal records checks to DAS. The bill provides uniform rules for agencies to make fitness determinations, and makes numerous related conforming changes in statute. The bill also allows the Oregon State Police to delegate the processing of fitness determinations for a variety of agencies to the Department of Human Services.