

**STAFF MEASURE SUMMARY****House Committee On Judiciary****Fiscal:** Fiscal impact issued**Revenue:** No Revenue Impact**Action Date:** 04/14/15**Action:** Do Pass With Amendments, Be Printed Engrossed And Be Referred To Ways And Means By Prior Reference.**Meeting Dates:** 03/18, 04/14**Vote:**

Yeas: 8 - Barker, Barton, Krieger, Lininger, Olson, Post, Sprenger, Williamson

Nays: 1 - Greenlick

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**WHAT THE MEASURE DOES:**

Requires Oregon State Police (OSP) to establish voluntary fingerprint retention program. Limits purposes for which collected information may be used. Contains notification requirements and processes for participation and discontinuation of participation. Requires Department of Administrative Services to create rules. Repeals ORS 181.545 addressing Voluntary Central Criminal Records Check Registry.

**ISSUES DISCUSSED:**

- Integration with federal system, specifically the Elder Justice Act
- Frequency of background checks for employees
- Balance between streamlining process and protecting personal privacy
- Availability of grant funding
- Breadth of information kept on file
- Amendments still needed and in process via work group
- Cost of background checks versus savings via rap back
- Comparisons to other states
- Current enrollment in system
- Subjectivity to subpoenas
- Concerns regarding large-scale data bases, privacy, retention of info by federal government, reintegration, and precedent-setting nature of bill

**EFFECT OF COMMITTEE AMENDMENT:**

Clarifies language. Places limits on use of information collected. Adds notification requirements for individuals choosing to participate. Allows individuals to cancel participation in program and outlines subsequent agency requirements. Requires Department of Administrative Services to create relevant rules. Repeals ORS 181.545.

**BACKGROUND:**

“Rap back” is a notification process that informs an employer or other designated entity of any subsequent arrests when an individual has already undergone a background check and their fingerprints were retained in a repository.

House Bill 2228-A creates a limited rap back program in Oregon. It requires the Oregon State Police (OSP) to establish a voluntary fingerprint retention program through which OSP retains fingerprint cards and facsimiles of fingerprints received from the Federal Bureau of Investigation, or created during a state criminal records check, for the purpose of providing to agencies and districts subscribing to the fingerprint retention program. House Bill 2228-A states that participation in the program is voluntary, may not be a condition of employment, and requires that

certain notifications be provided to participants. The bill exempts information from public disclosure. House Bill 2228-A mandates that the Department of Administrative Services adopt rules for the administration of the program and permits OSP to adopt a fee to subscribe to the program. The bill limits the purposes for which collected information may be used. House Bill 2228-A also permits individuals to cease their voluntary participation in the program.