

STAFF MEASURE SUMMARY

CARRIER: Sen. Bates

Joint Committee On Ways and Means

Fiscal: Fiscal impact issued**Revenue:** No Revenue Impact**Action Date:** 06/16/15**Action:** Do Pass The A-Eng Bill.**Meeting Dates:** 06/16**Vote:****Senate**

Yeas: 10 - Burdick, Devlin, Hansell, Johnson, Monroe, Roblan, Steiner Hayward, Thomsen, Whitsett, Winters

Nays: 1 - Shields

Exc: 1 - Girod

House

Yeas: 11 - Buckley, Gomberg, Huffman, Komp, McLane, Nathanson, Rayfield, Read, Smith, Whisnant, Williamson

Nays: 1 - Whitsett

Prepared By: Julie Neburka, Budget Analyst**WHAT THE MEASURE DOES:**

Requires Oregon State Police 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:

- Privacy concerns regarding the Federal Bureau of Investigations
- Frequency of background checks for employees
- Balance between streamlining process and protecting personal privacy
- Breadth of information kept on file
- Concerns regarding large-scale data bases, privacy, retention of info by federal government, reintegration, and precedent-setting nature of bill

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

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 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. The measure states that participation in the program is voluntary, may not be a condition of employment, and requires that certain notifications be provided to participants. It exempts information from public disclosure. The measure 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. It limits the purposes for which collected information may be used. It also permits individuals to cease their voluntary participation in the program.