

## HOUSE AMENDMENTS TO HOUSE BILL 2228

By COMMITTEE ON JUDICIARY

April 23

1 On page 1 of the printed bill, line 2, delete “and”.

2 Delete line 3 and insert “181.534 and 267.237; and repealing ORS 181.545.”.

3 Delete lines 5 through 29.

4 On page 2, delete lines 1 through 6 and insert:

5 **“SECTION 1. (1)(a) The Department of State Police shall establish a voluntary fingerprint**  
6 **retention program through which the department:**

7 **“(A) Retains fingerprint cards, facsimiles of fingerprints received from the Federal Bu-**  
8 **reau of Investigation or facsimiles of fingerprints created during a state criminal records**  
9 **check under ORS 181.533, 181.534, 181.537 or 267.237, for the purpose of providing information**  
10 **as described in subsection (4) of this section; and**

11 **“(B) Provides facsimiles of fingerprints created during a state criminal records check**  
12 **under ORS 181.533, 181.534, 181.537 or 267.237 to the Federal Bureau of Investigation.**

13 **“(b) The department may not use fingerprint cards or facsimiles of fingerprints retained**  
14 **pursuant to paragraph (a) of this subsection for any purpose other than the purpose of pro-**  
15 **viding information as described in subsection (4) of this section.**

16 **“(2) An authorized agency as defined in ORS 181.533 or 181.534, an agency listed in ORS**  
17 **181.537 (2), or a district as defined in ORS 267.237 may subscribe to the fingerprint retention**  
18 **program.**

19 **“(3)(a) If an authorized agency, agency or district subscribes to the fingerprint retention**  
20 **program, the authorized agency, agency or district must inform an individual subject to a**  
21 **criminal records check under ORS 181.533, 181.534, 181.537 or 267.237 about the program in**  
22 **a form and manner prescribed by the authorized agency, agency or district, provided that the**  
23 **authorized agency, agency or district includes as part of that information notice of the fol-**  
24 **lowing:**

25 **“(A) That the individual is not required to participate in the program;**

26 **“(B) That if the individual chooses to participate in the program, the individual may, at**  
27 **any time, stop participating in the program;**

28 **“(C) That choosing to participate in the program will allow the department to provide**  
29 **information as described in subsection (4) of this section;**

30 **“(D) The potential consequences of information being provided as described in subsection**  
31 **(4) of this section; and**

32 **“(E) The process by which the individual may contest the accuracy of information pro-**  
33 **vided as described in subsection (4) of this section.**

34 **“(b) Notice provided pursuant to paragraph (a) of this subsection must be provided in a**  
35 **clear and easy to understand manner.**

1       “(4)(a) An individual subject to a criminal records check under ORS 181.533, 181.534,  
2 181.537 or 267.237 may, but is not required to, participate in the fingerprint retention pro-  
3 gram.

4       “(b) If an individual participates in the program, then the department, upon receiving  
5 forms containing the person’s fingerprints and other identifying information under ORS  
6 181.511, or as part of any other proceeding related to the arrest of the individual, shall pro-  
7 vide that information to the authorized agency, agency or district for which a criminal re-  
8 cords check under ORS 181.533, 181.534, 181.537 or 267.237 for the individual was performed.

9       “(5) At any time, an individual participating in the fingerprint retention program may  
10 inform the department, in a form and manner prescribed by the department, that the indi-  
11 vidual is no longer participating in the program. If an individual informs the department that  
12 the individual is no longer participating in the program, the department shall:

13       “(a) Destroy any fingerprint cards and facsimiles of fingerprints that the department has  
14 retained for the individual as part of the program;

15       “(b) Inform the Federal Bureau of Investigation that the individual is no longer partic-  
16 ipating in the program and direct the Federal Bureau of Investigation to destroy any fin-  
17 gerprint cards or facsimiles of fingerprints that the Federal Bureau of Investigation has  
18 retained for the individual; and

19       “(c) Notify the authorized agency, agency or district who employs the individual that the  
20 individual is no longer participating in the program.

21       “(6) An authorized agency, agency or district that subscribes to the fingerprint retention  
22 program may not require a person to participate in the program as a condition of employ-  
23 ment.

24       “(7) Information retained by the department under this section is exempt from public  
25 disclosure under ORS 192.410 to 192.505, and the department may not disclose the informa-  
26 tion for any purpose not authorized by this section.

27       “(8) The Department of State Police:

28       “(a) Shall, in consultation with the Oregon Department of Administrative Services, adopt  
29 rules for the administration of this section; and

30       “(b) May adopt a fee that an authorized agency, agency or district must pay to subscribe  
31 to the program.”.

32       On page 3, line 36, after “fingerprints” insert “, except that the Federal Bureau of Investigation  
33 may retain the fingerprint cards and records of the fingerprints for purposes described in section 1  
34 of this 2015 Act”.

35       On page 7, line 12, after “fingerprints” insert “, except that the Federal Bureau of Investigation  
36 may retain the fingerprint cards and records of the fingerprints for purposes described in section 1  
37 of this 2015 Act”.

38       On page 9, delete lines 29 through 45 and delete pages 10 through 12 and insert:

39       “SECTION 5. ORS 181.545 is repealed.”.