

Senate Bill 602

Sponsored by COMMITTEE ON JUDICIARY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Task Force on Criminal Records Checks for Professions that Involve Essential Services. Directs task force to study use of criminal records checks to evaluate prospective employees for professions regulated by specified agencies that involve essential services.

Sunsets December 31, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to criminal records checks for professions that involve essential services; and declaring an
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) The Task Force on Criminal Records Checks for Professions that Involve**
6 **Essential Services is established, consisting of the following 15 members:**

7 (a) **One nonvoting member appointed by the President of the Senate from among the**
8 **members of the Senate.**

9 (b) **One nonvoting member appointed by the Speaker of the House of Representatives**
10 **from among members of the House of Representatives.**

11 (c) **The Long Term Care Ombudsman or the Long Term Care Ombudsman's designee.**

12 (d) **The following 12 members appointed by the Governor:**

13 (A) **One member who is a representative of the Department of Human Services and who**
14 **is knowledgeable about the department's rules regulating criminal records checks;**

15 (B) **One member who is a representative of the Oregon Patient Safety Commission;**

16 (C) **One member who is a representative of the Office of Child Care;**

17 (D) **One member who is a representative of the Oregon Department of Administrative**
18 **Services;**

19 (E) **One member who is a representative of the Department of Justice;**

20 (F) **One member who is a representative of the American Civil Liberties Union;**

21 (G) **One member who represents individuals with developmental disabilities or seniors;**

22 (H) **One member who represents a child advocacy organization that advocates for policies**
23 **and programs related to keeping children healthy and safe and on behalf of foster children,**
24 **impoverished children and neglected and abused children;**

25 (I) **One member who represents a long term care industry trade association that pro-**
26 **motes the interests of nursing homes, assisted living facilities, residential care facilities,**
27 **senior housing facilities and in-home care agencies;**

28 (J) **Two union representatives, each from a separate union for one of the following types**
29 **of workers:**

30 (i) **State workers;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (ii) Workers who provide services to individuals with developmental disabilities;
- 2 (iii) Workers who provide services to seniors;
- 3 (iv) Workers who provide child care services; or
- 4 (v) Workers who provide long term care services; and
- 5 (K) One member who is an expert in criminology.

6 (2)(a) The task force shall study the use of criminal records checks to evaluate prospec-
7 tive employees for professions:

8 (A) Regulated by the Department of Human Services, the Oregon Health Authority, the
9 Office of Child Care and the Oregon Department of Administrative Services; and

10 (B) That involve essential services, particularly for:

- 11 (i) Services to individuals with developmental disabilities;
- 12 (ii) Services to seniors;
- 13 (iii) Child care services; or
- 14 (iv) Long term care services.

15 (b) In conducting the study under this subsection, the task force shall:

16 (A) Examine the types of crimes that generally preclude prospective employees from ob-
17 taining the types of positions described in paragraph (a) of this subsection;

18 (B) Analyze the benefits associated with criminal records checks, including any benefits
19 related to preventing risks associated with recidivism; and

20 (C) Analyze the burdens associated with criminal records checks, including any burdens
21 related to creating barriers to employment.

22 (3) A majority of the voting members of the task force constitutes a quorum for the
23 transaction of business.

24 (4) Official action by the task force requires the approval of a majority of the voting
25 members of the task force.

26 (5) The task force shall elect one of the voting members of the task force to serve as
27 chairperson.

28 (6) If there is a vacancy for any cause, the appointing authority shall make an appoint-
29 ment to become immediately effective.

30 (7) The task force shall meet at times and places specified by the call of the chairperson
31 or of a majority of the voting members of the task force.

32 (8) The task force may adopt rules necessary for the operation of the task force.

33 (9)(a) The task force shall submit a report in the manner provided in ORS 192.245 to the
34 interim committees of the Legislative Assembly related to human services no later than
35 September 15, 2016.

36 (b) The task force may include in the report submitted under paragraph (a) of this sub-
37 section recommendations for legislation, provided that the recommendations complement the
38 current statutory framework for conducting criminal records checks under ORS 181.534,
39 181.537 and 181.547 and section 6, chapter 104, Oregon Laws 2014.

40 (10) The Department of Human Services shall provide staff support to the task force.

41 (11) Members of the task force who are not members of the Legislative Assembly are not
42 entitled to compensation, but may be reimbursed for actual and necessary travel and other
43 expenses incurred by them in the performance of their official duties in the manner and
44 amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions
45 of the task force shall be paid out of funds appropriated to the Department of Human Ser-

1 vices for purposes of the task force.

2 (12) All agencies of state government, as defined in ORS 174.111, are directed to assist
3 the task force in the performance of its duties and, to the extent permitted by laws relating
4 to confidentiality, to furnish such information and advice as the members of the task force
5 consider necessary to perform their duties.

6 SECTION 2. Section 1 of this 2015 Act is repealed on December 31, 2016.

7 SECTION 3. This 2015 Act being necessary for the immediate preservation of the public
8 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect
9 on its passage.

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