

SB 40 A STAFF MEASURE SUMMARY

Carrier: Sen. Thatcher

Senate Committee On Judiciary

Action Date: 02/06/17

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: No fiscal impact

Revenue: No Revenue Impact

Prepared By: Whitney Perez, Counsel

WHAT THE MEASURE DOES:

Requires all private security providers to apply for certification or licensure to Department of Public Safety Standards and Training (DPSST) in same manner. Directs DPSST to maintain fingerprint cards used for criminal records check of public safety officers seeking certification or recertification or who are under investigation by DPSST. Removes requirement that DPSST maintain fingerprint cards used for criminal records check of applicants for certification or licensure as private security provider or licensure as a general polygraph examiner or private investigator. Exempts DPSST from law requiring certain governmental agencies to use electronic fingerprint capture technology when conducting criminal records checks. Expands existing law to require certain employers of public safety officers to provide DPSST with access to personnel records of current or former employee if DPSST requests records related to investigation of employee's qualifications, training, or certification as public safety officer. Provides immunity from civil liability for employer of public safety officer who discloses records in good faith.

ISSUES DISCUSSED:

- DPSST must have statutory authority to require fingerprints for background checks.
- Makes technical fix to DPSST authority to require fingerprints of private security applicants.
- Discussion of persons that are considered public safety officers.

EFFECT OF AMENDMENT:

Expands existing law to require any employer of a public safety officer to provide Department of Public Safety Standards and Training (DPSST) with access to personnel records of a current or former employee if DPSST request is related to investigation of the employee's qualifications, training, or certification. Provides immunity from civil liability for employer who discloses records in good faith. Currently, these provisions apply to public and private safety agencies.

BACKGROUND:

Oregon law establishes the application process for persons applying for a private security professional certification. Senate Bill 40 A applies this same procedure to applicants seeking certification or licensure as a private security provider. The definition of private security provider includes individuals who are private security professionals, executive managers, supervisory managers, or instructors.

Oregon law requires Department of Public Safety Standards and Training (DPSST) to retain fingerprint cards used for criminal records checks of applicants seeking certification or licensure as a private security provider or licensure as a general polygraph examiner or private investigator. SB 40 A eliminates these requirements. SB 40 A requires DPSST to maintain fingerprint cards used to conduct criminal records checks on people applying to be certified or recertified

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as a public safety officer and applicants or public safety officers under investigation. SB 40 A also requires any employer of a public safety officer to provide DPSST with access to personnel records of an employee if the records are related to an investigation of the employee's qualifications, training or certification. Currently, only public and private safety agencies must provide these records. Finally, SB 40 A exempts DPSST from the requirement that certain governmental agencies use electronic fingerprint capture technology.