

**SB 40 A STAFF MEASURE SUMMARY****Carrier:** Rep. Olson**House Committee On Judiciary****Action Date:** 05/02/17**Action:** Do Pass the A-Eng bill.**Vote:** 10-0-1-0**Yeas:** 10 - Barker, Gorsek, Greenlick, Lininger, Olson, Post, Sanchez, Stark, Vial, Williamson**Exc:** 1 - Sprenger**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 with 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 government 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:**

- Current law requiring all public or private safety agencies to provide DPSST access to personnel records inadvertently excludes employers of corrections and parole and probation officers
- Current fingerprint retention law has resulted in the retention of approximately 80,000 fingerprints of applicants for certification or licensure as a private security provider, private investigator or polygraph examiner

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

Oregon law establishes the application process for 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 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. The certification or licensure period for these professions is two years for private security providers and private investigators and one year for polygraph examiners. SB 40-A eliminates the requirement to retain these fingerprint cards. SB 40-A does require DPSST to maintain fingerprint cards used to conduct criminal records checks on people applying to be certified or recertified as a public safety officer and applicants or public safety officers

This Summary has not been adopted or officially endorsed by action of the committee.

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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 relate to an investigation of the employee's qualifications, training or certification. Currently, only public and private safety agencies must provide these records.

In 2013, the Oregon legislature passed House Bill 3330 to require government agencies that report, receive or disseminate criminal offender information to use electronic fingerprint capture technology to take and submit fingerprints for criminal records checks. Exempted from this requirement were criminal justice agencies that are authorized by federal law to receive fingerprint-based criminal records checks from the Federal Bureau of Investigation. DPSST does not fall within this exemption. SB 40-A exempts DPSST from this requirement to use electronic fingerprint capture technology.