

SB 690 B STAFF MEASURE SUMMARY**Carrier:** Rep. Gorsek**House Committee On Judiciary****Action Date:** 06/01/17**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 11-0-0-0**Yeas:** 11 - Barker, Gorsek, Greenlick, Lininger, Olson, Post, Sanchez, Sprenger, Stark, Vial, Williamson**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Josh Nasbe, Counsel**WHAT THE MEASURE DOES:**

Allows person convicted of non-person felony or non-person Class A misdemeanor to petition court for Certificate of Good Standing. Authorizes court to issue certificate one year after person completes all requirements of sentence, including completion of treatment programs. Person must also satisfy court-ordered financial obligations or be current on an approved payment plan; have no pending criminal charges; and be engaged in, or seeking to engage in, lawful employment, education or a rehabilitative program or otherwise have a lawful source of support. Directs Oregon State Police to enter issuance of certificate, and any subsequent revocation, into law enforcement database. Authorizes district attorney to object to issuance of certificate and prohibits district attorney from conditioning plea offer on future eligibility for certificate. Provides employer who hires person with a certificate with a rebuttable presumption of non-negligence in a negligent hiring claim. Sunsets legislation on January 2, 2022.

ISSUES DISCUSSED:

- Barriers to reentry; housing and employment
- Requirements for issuance
- Expungement

EFFECT OF AMENDMENT:

Excludes offenders convicted of person crimes from certificate eligibility. Sunsets legislation on January 2, 2022.

BACKGROUND:

The State of Washington recently enacted the Certificate of Restoration of Opportunities Act that provides reformed offenders with an opportunity to obtain licensure and social services for which the offender would otherwise be ineligible. See RCW 9.97.020. Senate Bill 690-B provides Oregon offenders, convicted of a nonperson felony or a nonperson Class A misdemeanor, the ability to obtain a Certificate of Good Standing that would provide an employer with a rebuttable presumption of non-negligence in a lawsuit for negligent hiring. The bill authorizes a court to issue the certificate to an eligible offender if the offender has complied with all requirements of his or her sentence, including any required treatment or educational programs; has satisfied court-ordered financial obligations or is current on a payment plan; has no criminal charges pending; is engaged in, or seeking to engage in, a lawful occupation or activity or has a lawful source of support; and petitions the court more than one year after completing supervision for the eligible non-person crime. The bill further requires a court to revoke a certificate if a recipient is subsequently convicted of a felony or a Class A or B misdemeanor or if the recipient is found to have made a material misrepresentation in the petition for a certificate. The bill directs the Department of State Police to enter into the Law Enforcement Data System the issuance and any subsequent revocation of a Certificate of Good Standing. Finally, SB 690-B is repealed on January 2, 2022.