

Requested by HOUSE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 690**

1 On page 1 of the printed A-engrossed bill, delete lines 4 through 25 and
2 delete pages 2 and 3 and insert:

3 **“SECTION 1. (1) As used in this section, unless the context requires
4 otherwise:**

5 **“(a) ‘Petition’ means a petition for a Certificate of Good Standing.**

6 **“(b) ‘Petitioner’ means a person who files a petition.**

7 **“(c) ‘Supervisory authority’ means the state or local corrections
8 agency supervising persons on probation, post-prison supervision or
9 parole.**

10 **“(2)(a) A person who has been convicted of a nonperson felony or
11 a Class A misdemeanor other than a person Class A misdemeanor, as
12 those terms are defined in the rules of the Oregon Criminal Justice
13 Commission, may petition the court for a Certificate of Good Standing
14 as provided in this section.**

15 **“(b) If the person was under the supervision of a supervisory au-
16 thority within the three years prior to filing the petition, prior to filing
17 the petition the person shall request from the supervisory authority a
18 written statement verifying that the person has successfully completed
19 probation, post-prison supervision or parole and is eligible for a Cer-
20 tificate of Good Standing under this section. The request for verifica-
21 tion shall be in writing on a form provided by the Department of**

1 **Corrections.**

2 “(3)(a) A person shall file a petition using a form provided by the
3 State Court Administrator, in the circuit court of the county in which
4 the petitioner resides. In the application, the person shall affirm that
5 the person satisfies the requirements described in subsection (6) of this
6 section and is eligible for the Certificate of Good Standing.

7 “(b) If the person was under the supervision of a supervisory au-
8 thority within the three years prior to filing the petition, the person
9 shall attach to the petition the verification from the supervisory au-
10 thority described in subsection (2)(b) of this section.

11 “(c) In addition to the petition, the person may file with the court
12 any other documents or written material supporting the issuance of
13 a Certificate of Good Standing.

14 “(d) No filing fees or court fees may be required when filing a pe-
15 tition under this section.

16 “(4)(a) At the time of filing, the petitioner shall serve a copy of the
17 petition on the district attorney of the county in which the person
18 resides.

19 “(b) Within 30 days of receiving a copy of the petition, the district
20 attorney may:

21 “(A) File a written statement in the circuit court in support of the
22 petition; or

23 “(B) File a written objection to the issuance of a Certificate of Good
24 Standing only on the grounds that the petitioner does not satisfy the
25 requirements described in subsection (6) of this section, and may sup-
26 port the objection by submitting documents and other written mate-
27 rials or request a hearing on the petition.

28 “(5)(a) When determining whether to issue a Certificate of Good
29 Standing to the petitioner, the court shall review only the documents
30 or other material submitted by the petitioner in support of the petition

1 and any documents or other material submitted by the district attorney.
2

3 “(b) Notwithstanding paragraph (a) of this subsection, if the district
4 attorney files a written objection and requests a hearing, the court
5 may consider any testimony or oral argument offered at the hearing
6 when determining whether to issue the certificate.

7 “(6)(a) The court may issue a Certificate of Good Standing to the
8 petitioner if the court determines, by a preponderance of the evidence,
9 that:

10 “(A) The petitioner meets the criminal history eligibility requirements
11 described in subsection (2) of this section;

12 “(B) At least one year has elapsed since the petitioner has completed
13 all requirements of the petitioner’s sentence, including the
14 completion of any term of supervision;

15 “(C) The petitioner has complied with all requirements of the
16 petitioner’s sentence, including conditions of supervision and any required
17 drug or alcohol treatment, batterers’ intervention, sex offender
18 treatment, anger management or educational programs;

19 “(D) The petitioner has satisfied all court-ordered financial obligations
20 or is current on a payment plan ordered by the court or a third
21 party as authorized by the Judicial Department;

22 “(E) The petitioner is not in violation of the conditions of any
23 criminal sentence;

24 “(F) There are no criminal charges pending against the petitioner;
25 and

26 “(G) The petitioner is engaged in, or seeking to engage in, a lawful
27 occupation or activity, including but not limited to employment,
28 training, education or rehabilitative programs, or the person has a
29 lawful source of support.

30 “(b) The court may make the determination described in paragraph

1 (a) of this subsection without holding a hearing if the district attorney
2 does not file an objection to the issuance of the Certificate of Good
3 Standing and request a hearing.

4 “(7)(a) If the court issues the Certificate of Good Standing as de-
5 scribed in this section, the clerk of the court shall immediately provide
6 notice of the issuance of the certificate to the Department of State
7 Police and other agencies as directed by the court.

8 “(b) Upon receiving notice of the issuance of the Certificate of Good
9 Standing, the Department of State Police shall:

10 “(A) Enter the existence of the certificate into the Law Enforce-
11 ment Data System maintained by the Department of State Police and
12 the databases of the National Crime Information Center of the United
13 States Department of Justice; and

14 “(B) Ensure that the results of any criminal records check per-
15 formed by the Department of State Police concerning the person who
16 is the subject of a Certificate of Good Standing include the existence
17 of a valid certificate.

18 “(8)(a) If the court denies issuance of a Certificate of Good Stand-
19 ing, the court shall state the reasons for the denial on the record and
20 shall include the reasons in a written order denying the petition.

21 “(b) A petitioner may file a new application and petition no less
22 than six months after the denial of a previous petition and shall, in
23 the new petition, demonstrate that the petitioner has remedied or ad-
24 dressed the reasons for the denial of the previous petition and has met
25 any conditions set by the court.

26 “(9)(a) A court that issued a Certificate of Good Standing shall re-
27 voke the certificate if the person who is the subject of the certificate
28 is subsequently convicted of a felony or a Class A or Class B
29 misdemeanor or is found to have made any material misrepresentation
30 in the petition.

1 **“(b) A district attorney in a proceeding in which a person with a**
2 **Certificate of Good Standing is convicted of a felony or a Class A or**
3 **Class B misdemeanor shall notify the court where the certificate was**
4 **issued of the conviction.**

5 **“(c) The court may hold a hearing on the revocation, and the dis-**
6 **trict attorney who received a copy of the original petition under sub-**
7 **section (4) of this section may appear and be heard at the revocation**
8 **hearing.**

9 **“(d) The clerk of the court shall immediately provide notice of the**
10 **revocation of the certificate, in the form of a court order, to the De-**
11 **partment of State Police and other agencies as directed by the court.**

12 **“(e) Upon receiving notice of the revocation of the Certificate of**
13 **Good Standing, the Department of State Police shall:**

14 **“(A) Enter the revocation of the certificate into the Law Enforce-**
15 **ment Data System maintained by the Department of State Police and**
16 **the databases of the National Crime Information Center of the United**
17 **States Department of Justice; and**

18 **“(B) Ensure that the results of any criminal records check per-**
19 **formed by the Department of State Police concerning the person who**
20 **is the subject of the revoked Certificate of Good Standing accurately**
21 **reflect the status of the certificate.**

22 **“(f) Any person who knowingly presents, or attempts to present, a**
23 **revoked or otherwise invalid Certificate of Good Standing as a valid**
24 **certificate commits a violation.**

25 **“(10) The clerk of the circuit court of each county shall make**
26 **available the petition forms described in subsection (3)(a) of this sec-**
27 **tion without charge.**

28 **“(11) A district attorney may not condition a plea offer on future**
29 **eligibility or ineligibility for a Certificate of Good Standing.**

30 **“SECTION 2. In a claim for negligent hiring of an employee, there**

1 is a rebuttable presumption that the employer was not negligent if the
2 employer had notice at the time of the hiring that the employee was
3 the subject of a valid Certificate of Good Standing as described in
4 section 1 of this 2017 Act.

5 **“SECTION 3. Sections 1 and 2 of this 2017 Act are repealed on Jan-**
6 **uary 2, 2022.”.**

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