

SB 778 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Addie Smith, Counsel

Meeting Dates: 3/25

WHAT THE MEASURE DOES:

Expands eligibility of certificate of good standing to include persons convicted of person felony or person Class A misdemeanor. Requires court to provide copy of petition for certificate to district attorney. Provides that, in negligence actions against landlord for renting or leasing to specific tenant, fact that tenant has valid certificate of good standing creates rebuttable presumption that landlord was not negligent. Prohibits denial of license, permit, registration, certificate or other qualification to engage in practice of profession, occupation or business, or preclusion from volunteering in school, based solely on prior criminal conviction if person has certificate of good standing. Removes the sunset on the certificate of good standing program.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 2017, the legislature passed SB 690. That bill authorized courts to issue certificates of good standing to offenders convicted of a nonperson felony or a nonperson Class A misdemeanor, who have complied with all requirements of their sentence, including any required treatment or educational programs; have satisfied court-ordered financial obligations or are current on a payment plan; have no criminal charges pending; have engaged in, or are seeking to engage in, a lawful occupation or activity or have a lawful source of support; and who petition the court more than one year after completing supervision. Under SB 690 a Certificate of Good Standing provides an employer with a rebuttable presumption of non-negligence in a lawsuit for negligent hiring.

In the interim the Senate Committee on the Judiciary convened a reentry work group to explore legislative changes that would promote the successful reentry of offenders in to the community. That group determined that an expansion of the existing certificate of good standing program to provide more individuals access while also expanding the meaning of the certificate could be an important tool in helping former offender re-integrate and live productive lives, which in turn reduces their risk for recidivism.

Senate Bill 778, expands Oregon's certificate of good standing program to included individuals who were convicted of a person felony or class A misdemeanor, makes it so that a certificate of good standing creates rebuttable presumption that landlord was not negligent in an actions against the them for leasing to the certificate holder, prohibits a denial of any qualification to engage in professional practice based solely on their conviction, and forestalls preclusion of participation at an individual's child's school based solely on their conviction.