

SB 775 B STAFF MEASURE SUMMARY

Carrier: Rep. Lewis

House Committee On Judiciary

Action Date: 05/21/19

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 10-0-1-0

Yeas: 10 - Barker, Bynum, Greenlick, Lewis, McLane, Piluso, Power, Sprenger, Stark, Williamson

Exc: 1 - Gorsek

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Gillian Fischer, Counsel

Meeting Dates: 5/15, 5/21

WHAT THE MEASURE DOES:

Requires any criminal background check conducted by a State agency for purposes of employment be requested through the Department of State Police. States that a criminal records check conducted through the Law Enforcement Data System meets the requirements created by this measure. Limits liability in a claim against a public body for failure to conduct an adequate criminal records check if the criminal background check was conducted by the Department of State Police.

ISSUES DISCUSSED:

- Measure does not require fingerprint checks
- Intention to ensure more accurate criminal history information is used to determine employment eligibility
- Provides consistency among state agencies

EFFECT OF AMENDMENT:

States that criminal records checks conducted by state agencies shall be conducted through the Department of State Police. States that a criminal records check conducted through the Law Enforcement Data System meets the requirements created by this measure.

BACKGROUND:

An authorized agency or district may conduct a preliminary fitness determination if the agency, district, or qualified entity is hiring or appointing an individual on a preliminary basis, pending a final fitness determination. An entity may request from an authorized agency a criminal records check for purposes of evaluating the fitness of a subject individual as an employee, contractor, or volunteer.

Senate Bill 775 B requires that any State agency requesting a criminal background check for the purposes of determining an employee's fitness must do so through the Oregon State Police.