

Senate Bill 490

Sponsored by Senator GELSER, Representative LIVELY (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Adds individuals who have operated child care facility in violation of child care facility or Central Background Registry law to list of individuals who are prohibited from providing child care for five years.

Prohibits permanently from providing child care individuals who have been subject of substantiated report of child abuse in which victim suffered serious harm or death and individuals who are required to report as sex offenders.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to individuals prohibited from providing child care; amending ORS 329A.252; and declaring
3 an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 329A.252, as amended by section 3, chapter 115, Oregon Laws 2018, is
6 amended to read:

7 329A.252. (1) As used in this section, "exempt prohibited individual" means:

8 (a) An individual whose certification or registration **is suspended**, has been denied for cause
9 or **has been** revoked under ORS 329A.350.

10 (b) An individual whose enrollment in the Central Background Registry established by ORS
11 329A.030 **is suspended**, has been denied for cause or **has been** removed under ORS 329A.030.

12 (c) An individual who voluntarily surrendered the individual's certification, registration or en-
13 rollment in the Central Background Registry while under investigation by the Office of Child Care
14 or at any time after the Office of Child Care has given notice of an administrative proceeding
15 against the individual or the individual's child care facility.

16 **(d) An individual who has operated a child care facility in violation of ORS 329A.030 and**
17 **329A.250 to 329A.450.**

18 (2) For five years following the date on which an individual becomes an exempt prohibited in-
19 dividual, the exempt prohibited individual:

20 (a) Is ineligible for enrollment in the Central Background Registry; and

21 (b) May not provide care to a child who is not related to the exempt prohibited individual by
22 blood or marriage within the fourth degree as determined by civil law.

23 (3) After the five-year period described in subsection (2) of this section, an individual ceases to
24 be an exempt prohibited individual if the individual enrolls in the Central Background Registry.

25 **(4) An individual is permanently prohibited from enrollment in the Central Background**
26 **Registry and from providing care to a child who is not related to the individual by blood or**
27 **marriage within the fourth degree as determined by civil law if the individual:**

28 **(a) Has been the subject, in any state, of a substantiated report of child abuse in which**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **the victim suffered serious harm or death; or**

2 **(b) Is required to report as a sex offender under ORS 163A.010, 163A.015, 163A.020 or**
3 **163A.025 or the laws of another jurisdiction.**

4 **SECTION 2. This 2019 Act being necessary for the immediate preservation of the public**
5 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
6 **on its passage.**

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