

SB 490-A11
(LC 243)
5/14/19 (LAS/ps)

Requested by HOUSE COMMITTEE ON HUMAN SERVICES AND HOUSING (at the request of
Representative Alissa Keny-Guyer)

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 490
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

1 On page 1 of the printed A-engrossed bill, line 2, after “care;” insert
2 “creating new provisions;”.

3 In line 3, after the semicolon insert “repealing section 3, chapter ____,
4 Oregon Laws 2019 (Enrolled House Bill 2027);”.

5 Delete lines 16 through 21.

6 On page 2, delete lines 1 through 3 and insert:

7 “(d) An individual to whom the Office of Child Care has issued a final
8 order to cease and desist:

9 “(A) After a contested proceeding; or

10 “(B) That has become effective because the individual did not request a
11 hearing.”.

12 After line 18, insert:

13 **“SECTION 1a. If House Bill 2027 becomes law, section 3, chapter ____,**
14 **Oregon Laws 2019 (Enrolled House Bill 2027) (amending ORS 329A.252),**
15 **is repealed and ORS 329A.252, as amended by section 3, chapter 115,**
16 **Oregon Laws 2018, and section 1 of this 2019 Act, is amended to read:**

17 “329A.252. (1) As used in this section, ‘exempt prohibited individual’
18 means:

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20 been denied for cause or has been revoked under ORS 329A.350.

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

4 **“(c) An individual whose certification, registration or enrollment in
5 the Central Background Registry is subject to an emergency order of
6 suspension under ORS 183.430 (2).**

7 “[*c*] (d) An individual who voluntarily surrendered the individual’s cer-
8 tification, registration or enrollment in the Central Background Registry
9 while under investigation by the Office of Child Care or at any time after
10 the Office of Child Care has given notice of an administrative proceeding
11 against the individual or the individual’s child care facility.

12 “[*d*] (e) An individual to whom the Office of Child Care has issued a
13 final order to cease and desist:

14 “(A) After a contested proceeding; or

15 “(B) That has become effective because the individual did not request a
16 hearing.

17 “(2) For five years following the date on which an individual becomes an
18 exempt prohibited individual, the exempt prohibited individual:

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

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

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

26 “(4) Notwithstanding the five-year period described in subsection (2) of
27 this section, an individual shall be permanently considered an exempt pro-
28 hibited individual and shall be permanently subject to the prohibitions de-
29 scribed in subsection (2) of this section if the individual:

30 “(a) Has been convicted of, in any state, a crime in which a child suffered

1 serious physical injury, as defined in ORS 161.015, or death; or

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

4 **“SECTION 1b. The amendments to ORS 329A.252 by section 1a of**
5 **this 2019 Act become operative on the effective date of chapter __,**
6 **Oregon Laws 2019 (Enrolled House Bill 2027).”.**

7 In line 28, after “(4)(a),” delete the rest of the line and insert “(g) or (h)
8 if:”.

9 In line 29, after “child abuse” insert “occurred on or after January 1,
10 2017, and”.

11 In line 31, after “child abuse” insert “occurred on or after September 1,
12 2019, and”.

13 After line 33, insert:

14 “(c) Notwithstanding paragraph (a) of this subsection, an individual de-
15 scribed in paragraph (b)(B) of this subsection is not required to enroll in the
16 Central Background Registry if more than seven years has elapsed since the
17 date of the child abuse determination.”.

18 _____