



Oregon

Kate Brown, Governor

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DATE: February 2, 2021

TO: Honorable Members of the House Committee on Judiciary

FROM: Linsay Hale, Professional Standards/Interim Training Division Director

SUBJECT: DPSST Testimony: HB 2126

Summary: HB 2126 was introduced on behalf of the Board on Public Safety Standards and Training (BPSST) as a housekeeping bill, designed to streamline the licensure application process for Oregon's private and provisional investigators, and also clarify the ability of the Department of Public Safety Standards and Training's (DPSST) authority to request applicants for licensure submit to a fingerprinted based state and national criminal history check.

Background: The DPSST, in consultation with the BPSST, regulates Oregon's nearly 800 private and provisional investigators through the issuance and removal of licensure as dictated by Oregon Revised Statute Chapter 703, and Oregon Administrative Rule Division 259, Chapter 061.

ORS 703.425 specifies, in detail, the information required to make application for licensure as a private or provisional investigator. Information required to be included on the application includes, among other things, the applicant's citizenship status, residential and employment history for the past 10 years and professional references. The collection and maintenance of this information is unnecessary and irrelevant to the regulation of Oregon's private investigators and believed to make the application process overly burdensome. The fingerprinting authority found in ORS 703.425 is also thought to be out-of-date in that it doesn't require the DPSST link an applicant's criminal history to their ability to be licensed to perform investigatory services.

Effect of HB 2126: HB 2126 removes the list of items that must be included in an application for licensure, but maintains that an application for a private investigator's license or a provisional investigator's license must be in writing on a form prescribed by the DPSST. The bill as introduced also clarifies the DPSST's authority to request a fingerprint-based criminal history check on applicants for licensure to include State (through the Oregon State Police) and national (through the Federal Bureau of Investigation) records. This bill also clarifies the requirement that the DPSST link the results of any criminal history check to an individual's ability to perform the duties of a private or provisional investigator when making a decision to issue or deny licensure, recognizes the BPSST's discretion in making certain discretionary licensure decisions, and offers immunity to DPSST and its employees when using criminal history information to make licensure decisions.¹

Impact of HB 2126 on DPSST: This bill as introduced is not expected to have any fiscal or significant operational impact on the DPSST, or the private or provisional investigator constituency. Upon passage, the DPSST would develop a new application form and implement its usage through Oregon Administrative Rule.

¹ This language mirrors the fingerprinting authority language for polygraph licensure also found in ORS Chapter 703.