



ASSOCIATION OF OREGON
COMMUNITY MENTAL
HEALTH PROGRAMS



Support LC 256 - Technical Fix to Background Check Law to Improve Efficiencies and Access to Care

Oregon is struggling with a caregiving workforce crisis. Long wait times for background checks to be returned (on average between one to two months) is making this crisis worse. Workers cannot and should not have to wait that long to start employment, and as a result are choosing other employment opportunities. Long wait times not only impact access to care for Oregonians, it effects the full continuum of care including hospital discharge challenges. The “Record of Arrest and Prosecution (Rap) Back” program, while previously adopted in Oregon, needs a technical fix before it can be implemented. Rap Back enhances public safety, helps resolve workforce shortages, and brings desperately needed efficiencies to the system.

Background: In 2015 the Legislature passed [HB 2228](#) with overwhelming bipartisan support. The bill was a result of the Oregon Elder Abuse Prevention Work Group. It enhanced the criminal background check process for workers while protecting their privacy, the majority of whom work in long term care, group homes, behavioral health, childcare and counseling work. HB 2228 established a voluntary Rap Back system by authorizing Oregon to participate in the Federal Rap Back program. Rap Back allows individuals who are subject to background checks as a condition of their employment to voluntarily opt-in to a Rap Back system and have their fingerprints retained, allowing for an update of their criminal record in real-time and eliminating the need for future re-checks. The program allows an individual to withdraw their enrollment in Rap Back at any time. Since upwards of 50% of Oregon’s Background Check Unit current workload is re-checks alone, this would provide immediate relief and ultimately result in shorter wait times for workers, employers, and Oregonians needing care.

Why is a bill needed in 2024? Unfortunately, HB 2228 (2015) (now ORS 181A.205) is missing key language that the FBI requires in State Rap Back laws relating to latent fingerprint comparison. That language is reflected in LC 256 – ORS 181A.205(4)(b).

Oregon State Police already plans to create a state Rap Back program as part of its current LEDS 20/20 project and to apply to participate in the federal Rap Back program once the system is built and completed. The 2024 technical fix contained in LC 256 allows OSP to move forward and resolves a workforce problem.