

## SB 763 – Clearing Barriers to Long-term Opportunity for Justice-Involved Youth

*Protecting confidentiality to encourage success and reduce recidivism*

### BACKGROUND

- Adjudications in the juvenile justice system are intended to be **distinct from adult criminal convictions** and not meant to lead to the long-term barriers to opportunity that often result from adult convictions. Yet national research conducted by CSG found that contrary to the popular belief that what happens in juvenile court stays there, due to ambiguities in state laws, **juvenile records can keep young people from getting a job, finding a place to live, enrolling in college, or joining the military—even long after** a youth has successfully transitioned out of the juvenile justice system.<sup>i</sup>
- Research is clear that employment is tied to lower rates of recidivism.
- Oregon law is out of step with that of states around the country like Oklahoma, Nebraska, and Illinois, which limit public access to records and bar employers and licensing bodies from obtaining information about applicants' juvenile adjudication history.<sup>ii</sup>

### CURRENT LAW IN OREGON

- In Oregon, **juvenile delinquency adjudications are not considered criminal convictions** and are confidential, **though additional identifying information of youth is not confidential, undercutting confidentiality.**<sup>iii iv</sup>

### SB 763 – MAJOR PROVISIONS

SB 763 would make the following changes to Oregon's existing law to further clear statutory barriers to Oregonians with juvenile records trying to successfully move on with their lives:

- **Further distinguishing between a juvenile adjudication and criminal conviction.** Clarifies that juvenile adjudications cannot generally be used to disqualify a person from pursuing a particular occupation or profession, from civic participation, or from exercising any other right or privilege under law.
- **Preventing employment discrimination.** Keeps most employers, state agencies, and licensing boards from circumventing confidentiality policies by asking applicants for employment, licensing, or admission about their juvenile history. Additionally, prohibits adverse action based on juvenile adjudications that employers may become aware of through unwitting self-disclosure by applicants or other means.
- **Curbing public access to records while maintaining it for stakeholders with cause.** Revises current law to limit access for employers and other members of the public who might use the information for discriminatory purposes.

#### Carve-outs in response to careful stakeholder consideration:

- SB 763 contains various exceptions that allow specific agencies, boards, and employers to obtain and use information about juvenile adjudications. Any employer or state agency that is **specifically authorized by state or federal law** to consider juvenile history would remain able to do so. **Law enforcement** employers and **certain agencies regulating the care of vulnerable persons** would similarly retain the ability to use juvenile history. Exceptions would also apply for **serious violent offenses**.

<sup>i</sup> Reducing Structural Barriers to School and Work for People with Juvenile Records (March 2021). [https://csgjusticecenter.org/wp-content/uploads/2021/03/ReducingBarriersJuvenileRecords\\_March2021.pdf](https://csgjusticecenter.org/wp-content/uploads/2021/03/ReducingBarriersJuvenileRecords_March2021.pdf)

<sup>ii</sup> 50-State Comparison: Limits on Use of Criminal Record in Employment, Licensing & Housing. <https://ccresourcecenter.org/state-restoration-profiles/50-state-comparison-comparison-of-criminal-records-in-licensing-and-employment/>

<sup>iii</sup> ORS § 419C.400

<sup>iv</sup> ORS § 419A.255