

SB 1510 STAFF MEASURE SUMMARY

House Committee On Climate, Energy, and Environment

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Meeting Dates: 2/21, 2/26

WHAT THE MEASURE DOES:

The measure authorizes the Department of the State Fire Marshal to require fingerprints of employees, applicants for employment, contractors, subcontractors, vendors, and volunteers for criminal background checks. The measure also declares an emergency, effective on passage.

- *FISCAL: Minimal fiscal impact*
- *REVENUE: No revenue impact*

Senate Vote: Ayes, 23; Nays, 7

ISSUES DISCUSSED:

- Types of positions that would be subject to fingerprinting
- Privacy concerns over requesting fingerprints of employees
- Federal Bureau of Investigation's Rap Back service

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

State agencies can request that the Oregon State Police (OSP) conduct a state or nationwide criminal background check for current or prospective employees or other service providers. For nationwide background check requests, OSP coordinates with the Federal Bureau of Investigation (FBI). Federal law requires the requesting agency to submit an individual's fingerprints along with the background check request and the FBI then uses the fingerprints to facilitate checks of both state and federal fingerprint databases to obtain any criminal records. However, state agencies cannot require fingerprints of individuals unless they have statutory authority to do so. Many state agencies in Oregon have been granted statutory authority to require fingerprints for background checks.

The Department of the State Fire Marshal (DSFM) was established as an independent state agency via House Bill 2927 (2021), which took full effect July 1, 2023. Previously, the State Fire Marshal had operated as an office within OSP and was able to require fingerprints pursuant to the authority of OSP. There is currently no statute granting DSFM authority to require fingerprints from current or prospective employees, or from other individuals seeking to provide services to the State Fire Marshal. Senate Bill 1510 would grant that authority to DSFM.