

SB 1510 STAFF MEASURE SUMMARY

Carrier: Sen. Golden

Senate Committee On Natural Resources and Wildfire

Action Date: 02/13/24

Action: Do pass.

Vote: 5-0-0-0

Yeas: 5 - Girod, Golden, Prozanski, Smith DB, Taylor

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Laura Kentnesse, LPRO Analyst

Meeting Dates: 2/8, 2/13

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.

ISSUES DISCUSSED:

- Prior State Fire Marshal fingerprinting authority under the Oregon State Police
- Many agency authorities needed as State Fire Marshal transitioned into the Department of the State Fire Marshal
- Explicit grant of fingerprinting authority was overlooked in the agency transition

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 the State Police. 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.