

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: HB 3168**

Seventy-Seventh Oregon Legislative Assembly – 2013 Regular Session  
Legislative Fiscal Office

*Only Impacts on Original or Engrossed  
Versions are Considered Official*

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Date: 4/8/13

**Measure Description:**

Requires Oregon Department of Administrative Services to adopt rules for purposes of establishing statewide criteria by which certain qualified entities and authorized agencies conduct criminal records checks for purposes other than criminal justice.

**Government Unit(s) Affected:**

Statewide, Department of Administrative Services (DAS)

**Summary of Expenditure Impact:**

Please see analysis

**Local Government Mandate:**

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**Analysis:**

The measure requires the Department of Administrative Services (DAS) to adopt rules specifying categories of individuals that are subject to criminal records checks that state agencies can use to make fitness for employment, licensing, certification, etc. decisions, what information would be required from individuals in each category to permit a criminal records check, the types of crimes that may be considered in reviewing the information provided by the criminal records check, and when a nationwide fingerprint-based criminal records check must be considered. The measure also allows for the sharing between authorized or qualified entities the fitness determinations made regarding a particular individual.

The Oregon State Police report that they believe that in addition to providing consistent application of background checks, the aim of measure is to also reduce the number of redundant background checks for non-criminal justice purposes by allowing a single background check to be used by multiple agencies when an individual applies for multiple positions or licensure within the same category as defined by the DAS rule, possibly reducing the total expenditures for background checks by public entities.

The measure is believed to have a potential statewide impact due to the number of state agencies and qualified entities that utilize criminal records checks. However the fiscal impact, if any, is indeterminate because the rules to be created by DAS and subsequent actions to implement and comport with the rules by affected agencies and entities are unknown.