

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2228**

1 On page 1 of the printed bill, line 2, delete “and”.

2 Delete line 3 and insert “181.534 and 267.237; and repealing ORS  
3 181.545.”.

4 Delete lines 5 through 29.

5 On page 2, delete lines 1 through 6 and insert:

6 **“SECTION 1. (1)(a) The Department of State Police shall establish  
7 a voluntary fingerprint retention program through which the depart-  
8 ment:**

9 **“(A) Retains fingerprint cards, facsimiles of fingerprints received  
10 from the Federal Bureau of Investigation or facsimiles of fingerprints  
11 created during a state criminal records check under ORS 181.533,  
12 181.534, 181.537 or 267.237, for the purpose of providing information as  
13 described in subsection (4) of this section; and**

14 **“(B) Provides facsimiles of fingerprints created during a state  
15 criminal records check under ORS 181.533, 181.534, 181.537 or 267.237 to  
16 the Federal Bureau of Investigation.**

17 **“(b) The department may not use fingerprint cards or facsimiles of  
18 fingerprints retained pursuant to paragraph (a) of this subsection for  
19 any purpose other than the purpose of providing information as de-  
20 scribed in subsection (4) of this section.**

21 **“(2) An authorized agency as defined in ORS 181.533 or 181.534, an  
22 agency listed in ORS 181.537 (2), or a district as defined in ORS 267.237**

1 may subscribe to the fingerprint retention program.

2 “(3)(a) If an authorized agency, agency or district subscribes to the  
3 fingerprint retention program, the authorized agency, agency or dis-  
4 trict must inform an individual subject to a criminal records check  
5 under ORS 181.533, 181.534, 181.537 or 267.237 about the program in a  
6 form and manner prescribed by the authorized agency, agency or dis-  
7 trict, provided that the authorized agency, agency or district includes  
8 as part of that information notice of the following:

9 “(A) That the individual is not required to participate in the pro-  
10 gram;

11 “(B) That if the individual chooses to participate in the program,  
12 the individual may, at any time, stop participating in the program;

13 “(C) That choosing to participate in the program will allow the de-  
14 partment to provide information as described in subsection (4) of this  
15 section;

16 “(D) The potential consequences of information being provided as  
17 described in subsection (4) of this section; and

18 “(E) The process by which the individual may contest the accuracy  
19 of information provided as described in subsection (4) of this section.

20 “(b) Notice provided pursuant to paragraph (a) of this subsection  
21 must be provided in a clear and easy to understand manner.

22 “(4)(a) An individual subject to a criminal records check under ORS  
23 181.533, 181.534, 181.537 or 267.237 may, but is not required to, partic-  
24 ipate in the fingerprint retention program.

25 “(b) If an individual participates in the program, then the depart-  
26 ment, upon receiving forms containing the person’s fingerprints and  
27 other identifying information under ORS 181.511, or as part of any  
28 other proceeding related to the arrest of the individual, shall provide  
29 that information to the authorized agency, agency or district for  
30 which a criminal records check under ORS 181.533, 181.534, 181.537 or

1 267.237 for the individual was performed.

2 “(5) At any time, an individual participating in the fingerprint re-  
3 tention program may inform the department, in a form and manner  
4 prescribed by the department, that the individual is no longer partic-  
5 ipating in the program. If an individual informs the department that  
6 the individual is no longer participating in the program, the depart-  
7 ment shall:

8 “(a) Destroy any fingerprint cards and facsimiles of fingerprints  
9 that the department has retained for the individual as part of the  
10 program;

11 “(b) Inform the Federal Bureau of Investigation that the individual  
12 is no longer participating in the program and direct the Federal Bu-  
13 reau of Investigation to destroy any fingerprint cards or facsimiles of  
14 fingerprints that the Federal Bureau of Investigation has retained for  
15 the individual; and

16 “(c) Notify the authorized agency, agency or district who employs  
17 the individual that the individual is no longer participating in the  
18 program.

19 “(6) An authorized agency, agency or district that subscribes to the  
20 fingerprint retention program may not require a person to participate  
21 in the program as a condition of employment.

22 “(7) Information retained by the department under this section is  
23 exempt from public disclosure under ORS 192.410 to 192.505, and the  
24 department may not disclose the information for any purpose not au-  
25 thORIZED by this section.

26 “(8) The Department of State Police:

27 “(a) Shall, in consultation with the Oregon Department of Admin-  
28 istrative Services, adopt rules for the administration of this section;  
29 and

30 “(b) May adopt a fee that an authorized agency, agency or district

1 **must pay to subscribe to the program.”.**

2 On page 9, delete lines 29 through 45 and delete pages 10 through 12 and  
3 insert:

4 **“SECTION 5. ORS 181.545 is repealed.”.**

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