

**SB 775 -1, -4 STAFF MEASURE SUMMARY**

**Senate Committee On Judiciary**

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**Prepared By:** Gillian Fischer, Counsel

**Meeting Dates:** 3/25, 4/4, 4/9

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**WHAT THE MEASURE DOES:**

Requires any criminal background check conducted by a public body for purposes of employment be requested from the Department of State Police. Limits liability in a claim for failure to conduct an adequate criminal records check against a public body if a criminal backgrounds check was conducted by the Department of State Police.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

- 1 Creates an exception for law enforcement agencies to conduct their own criminal background checks.
- 4 Requires state agencies conducting criminal records check of a person for purposes of employment by the agency shall be requested from the Department of State Police.

**BACKGROUND:**

An authorized agency or district may conduct a preliminary fitness determination if the agency, district or qualified entity is hiring or appointing an individual on a preliminary basis, pending a final fitness determination. An entity may request from an authorized agency a criminal records check for purposes of evaluating the fitness of a subject individual as an employee, contractor or volunteer. The authorized agency may access state and federal criminal records under this provision only through use of the subject individual's fingerprints.

Senate Bill 775 requires that any entity requesting a criminal background check for the purposes of determining an employee's fitness must to so through the Oregon State Police.