



## Vote YES on SB 725A

### Reasonable, Meaningful and Responsible Revisions to Oregon’s Background Check Law

As residential providers, peer mentors, mental and behavioral health workers and stakeholders serving individuals experiencing developmental disabilities, safety for the individuals we serve is our primary concern. So is investing in a diverse workforce that offers unique perspectives and life experiences to make it the strongest partner for our clients.

**PROBLEM:** Beyond the “never-never” list, the Background Check Unit has broad, yet ambiguous discretionary authority to review and deny background checks. This has resulted in unnecessary denials, and it has also led to a serious backlog – forcing these workers to wait weeks (or months) for full employment and jeopardizing staffing needs to provide crucial services for vulnerable Oregonians.

**SOLUTION: SB 725A** will make reasonable, meaningful and responsible revisions to Oregon’s background check law and address ambiguities that exist in both rule and statute that prevent qualified employees from joining this workforce. Specifically, the bill seeks to:

- Protect the core protections of the “never-never” list that automatically disqualify applicants due to convictions of serious crimes.
- Bring clarity around the weigh test process so that each candidate is evaluated in a timely and equitable manner.
- Clarify non-automatic disqualifying crimes (those not on the never-never list) that are more than 10 years old, or 5-years for certain crimes, are not considered during a weigh test.
- Guarantee that arrests or charges of non-automatic disqualifying crimes that do not result in a conviction are not to be considered in background check application review.
- Ensure recent criminal law changes related to marijuana are reflected and not considered in weighing test.
- Confirm that entry into a deferred sentencing agreement, conditional discharge or diversion program or a pending indictment (for non-never-never crime) are not to be considered in weighing test.
- Codify the original grandfathering language that allowed those employed prior to July 28, 2009, who remained in current positions to not lose their job. The bill also allows for these individuals to be promoted if within the same organization.
- Finally, the amendment makes it clear that any felony involving child abuse, neglect, or any other crime against a child, spousal abuse or a crime involving violence (including rape, sexual assault or homicide) and someone with a felony involving physical assault or battery (within five years of the background check) cannot become a foster parent, adoptive parent, or relative caregiver or work at a child-caring agency.

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*From the desk of State  
Senator Kathleen Taylor*