

## HOUSE AMENDMENTS TO HOUSE BILL 3005

By COMMITTEE ON JUDICIARY

April 15

- 1 On page 1 of the printed bill, delete lines 23 and 24.
- 2 In line 25, delete “(d)” and insert “(c)”.
- 3 In line 26, delete “(e)” and insert “(d)”.
- 4 In line 27, delete “(f)” and insert “(e)”.
- 5 On page 2, line 2, delete “or criminal history record check”.
- 6 On page 3, delete lines 1 and 2.
- 7 In line 3, delete “(d)” and insert “(c)”.
- 8 In line 4, delete “(e)” and insert “(d)”.
- 9 In line 5, delete “(f)” and insert “(e)”.
- 10 In line 11, delete “or criminal history record check”.
- 11 On page 4, line 21, delete “of” and insert “higher than”.
- 12 In line 22, delete “or higher”.
- 13 In line 23, delete “lower than” and insert “of” and after “weight” insert “or lower”.
- 14 In line 25, delete “of” and insert “higher than” and delete “or”.
- 15 In line 26, delete “higher” and delete “lower”.
- 16 In line 27, delete “than” and insert “of” and after “weight” insert “or lower”.
- 17 On page 5, line 20, after “813.100” insert “, 813.140 or 813.150”.
- 18 On page 6, delete lines 2 through 45.
- 19 On page 7, delete lines 1 through 41 and insert:
- 20 **“SECTION 5.** ORS 813.665 is amended to read:
- 21 *“813.665. [(1) A service center shall conduct a criminal background check before hiring or con-*
- 22 *tracting with an individual as an ignition interlock device technician to determine whether the indi-*
- 23 *vidual has been convicted of the following:]*
- 24 *“[(a) Driving while under the influence of intoxicants in violation of ORS 813.010 or the statutory*
- 25 *counterpart in another jurisdiction; or]*
- 26 *“[(b) A criminal offense involving fraud, forgery or theft in any jurisdiction.]*
- 27 **“(1) A criminal background check is required to determine the eligibility of a person**
- 28 **seeking employment as an ignition interlock device technician in this state. A service center**
- 29 **shall conduct a fingerprint-based criminal background check before hiring or contracting**
- 30 **with an individual as an ignition interlock device technician. The service center shall request**
- 31 **that the Department of State Police conduct the fingerprint-based criminal background**
- 32 **check by reviewing state and federal databases including, but not limited to, the:**
- 33 **“(a) Oregon computerized criminal history system;**
- 34 **“(b) Law Enforcement Data System;**
- 35 **“(c) Databases maintained by the Federal Bureau of Investigation; and**

1       “(d) National Crime Information Center.

2       “(2) The purpose of a criminal background check is to preserve safety and prevent  
3 criminal acts by determining whether an individual is eligible to be employed as an ignition  
4 interlock device technician. A person is ineligible if the person has been convicted of:

5       “(a) Except as provided in paragraph (b) of this subsection, a misdemeanor in any juris-  
6 diction within two years of the date of the criminal background check;

7       “(b) Misdemeanor driving while under the influence of intoxicants in violation of ORS  
8 813.010 or the statutory counterpart in another jurisdiction within five years of the date of  
9 the criminal background check; or

10       “(c) A felony in any jurisdiction within 10 years of the date of the criminal background  
11 check.

12       “(3) The department shall communicate whether the individual passed or failed the  
13 criminal background check conducted under this section to the service center requesting the  
14 check.

15       “[(2)] (4) The Department of Transportation shall prescribe by rule the process for [conducting]  
16 obtaining a criminal background check by the Department of State Police or, if the Department  
17 of State Police is unable to conduct the check, by the service center requesting the criminal  
18 background check.

19       “[(3)] (5) If the criminal background check conducted by the Department of State Police or  
20 a service center reveals that the individual who is the subject of the criminal background check has  
21 been convicted of any of the crimes described in subsection [(1)] (2) of this section, the service  
22 center may not employ the individual as an ignition interlock device technician.

23       “**SECTION 6.** ORS 813.665, as amended by section 16, chapter 655, Oregon Laws 2017, is  
24 amended to read:

25       “813.665. [(1) A service center shall conduct a criminal background check before hiring or con-  
26 tracting with an individual as an ignition interlock device technician to determine whether the indi-  
27 vidual has been convicted of the following:]

28       “[(a) Driving while under the influence of intoxicants in violation of ORS 813.010 or the statutory  
29 counterpart in another jurisdiction; or]

30       “[(b) A criminal offense involving fraud, forgery or theft in any jurisdiction.]

31       “(1) A criminal background check is required to determine the eligibility of a person  
32 seeking employment as an ignition interlock device technician in this state. A service center  
33 shall conduct a fingerprint-based criminal background check before hiring or contracting  
34 with an individual as an ignition interlock device technician. The service center shall request  
35 that the Department of State Police conduct the fingerprint-based criminal background  
36 check by reviewing state and federal databases including, but not limited to, the:

37       “(a) Oregon computerized criminal history system;

38       “(b) Law Enforcement Data System;

39       “(c) Databases maintained by the Federal Bureau of Investigation; and

40       “(d) National Crime Information Center.

41       “(2) The purpose of a criminal background check is to preserve safety and prevent  
42 criminal acts by determining whether an individual is eligible to be employed as an ignition  
43 interlock device technician. A person is ineligible if the person has been convicted of:

44       “(a) Except as provided in paragraph (b) of this subsection, a misdemeanor in any juris-  
45 diction within two years of the date of the criminal background check;

1       “(b) Misdemeanor driving while under the influence of intoxicants in violation of ORS  
2 813.010 or the statutory counterpart in another jurisdiction within five years of the date of  
3 the criminal background check; or

4       “(c) A felony in any jurisdiction within 10 years of the date of the criminal background  
5 check.

6       “(3) The department shall communicate whether the individual passed or failed the  
7 criminal background check conducted under this section to the service center requesting the  
8 check.

9       “[(2)] (4) The department [*of State Police*] shall prescribe by rule the process for [*conducting*]  
10 **obtaining** a criminal background check **by the department or, if the department is unable to**  
11 **conduct the check, by the service center requesting the criminal background check.**

12       “[(3)] (5) If the criminal background check conducted by **the department or** a service center  
13 reveals that the individual who is the subject of the criminal background check has been convicted  
14 of any of the crimes described in subsection [(1)] (2) of this section, the service center may not  
15 employ the individual as an ignition interlock device technician.”.

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