

HB 3005-1
(LC 1650)
3/13/19 (HE/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of the Department of Transportation)

**PROPOSED AMENDMENTS TO
HOUSE BILL 3005**

- 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
14 “or lower”.
- 15 In line 25, delete “of” and insert “higher than” and delete “or”.
- 16 In line 26, delete “higher” and delete “lower”.
- 17 In line 27, delete “than” and after “weight” insert “or lower”.
- 18 On page 5, line 20, after “813.100” insert “, 813.140 or 813.150”.
- 19 On page 6, delete lines 2 through 45.
- 20 On page 7, delete lines 1 through 41 and insert:
21 **“SECTION 5.** ORS 813.665 is amended to read:

1 “813.665. [(1) A service center shall conduct a criminal background check
2 before hiring or contracting with an individual as an ignition interlock device
3 technician to determine whether the individual has been convicted of the fol-
4 lowing:]

5 “[(a) Driving while under the influence of intoxicants in violation of ORS
6 813.010 or the statutory counterpart in another jurisdiction; or]

7 “[(b) A criminal offense involving fraud, forgery or theft in any jurisdic-
8 tion.]

9 **“(1) A criminal background check is required to determine the el-
10 ibility of a person seeking employment as an ignition interlock de-
11 vice technician in this state. A service center shall conduct a
12 fingerprint-based criminal background check before hiring or con-
13 tracting with an individual as an ignition interlock device technician.
14 The service center shall request that the Department of State Police
15 conduct the fingerprint-based criminal background check by reviewing
16 state and federal databases including, but not limited to, the:**

17 **“(a) Oregon computerized criminal history system;**

18 **“(b) Law Enforcement Data System;**

19 **“(c) Databases maintained by the Federal Bureau of Investigation;
20 and**

21 **“(d) National Crime Information Center.**

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

26 **“(a) Except as provided in paragraph (b) of this subsection, a
27 misdemeanor in any jurisdiction within two years of the date of the
28 criminal background check;**

29 **“(b) Misdemeanor driving while under the influence of intoxicants
30 in violation of ORS 813.010 or the statutory counterpart in another**

1 **jurisdiction within five years of the date of the criminal background**
2 **check; or**

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

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

8 **“[(2)] (4) The Department of Transportation shall prescribe by rule the**
9 **process for [conducting] obtaining a criminal background check by the**
10 **Department of State Police or, if the Department of State Police is**
11 **unable to conduct the check, by the service center requesting the**
12 **criminal background check.**

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

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

20 **“813.665. [(1) A service center shall conduct a criminal background check**
21 **before hiring or contracting with an individual as an ignition interlock device**
22 **technician to determine whether the individual has been convicted of the fol-**
23 **lowing:]**

24 **“[(a) Driving while under the influence of intoxicants in violation of ORS**
25 **813.010 or the statutory counterpart in another jurisdiction; or]**

26 **“[(b) A criminal offense involving fraud, forgery or theft in any jurisdic-**
27 **tion.]**

28 **“(1) A criminal background check is required to determine the el-**
29 **igibility of a person seeking employment as an ignition interlock de-**
30 **vice technician in this state. A service center shall conduct a**

1 fingerprint-based criminal background check before hiring or con-
2 tracting with an individual as an ignition interlock device technician.
3 The service center shall request that the Department of State Police
4 conduct the fingerprint-based criminal background check by reviewing
5 state and federal databases including, but not limited to, the:

6 “(a) Oregon computerized criminal history system;

7 “(b) Law Enforcement Data System;

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

10 “(d) National Crime Information Center.

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

15 “(a) Except as provided in paragraph (b) of this subsection, a
16 misdemeanor in any jurisdiction within two years of the date of the
17 criminal background check;

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

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

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

27 “[2] (4) The department [*of State Police*] shall prescribe by rule the
28 process for [*conducting*] **obtaining** a criminal background check **by the de-**
29 **partment or, if the department is unable to conduct the check, by the**
30 **service center requesting the criminal background check.**

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

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