

HB 2132 STAFF MEASURE SUMMARY

Carrier: Rep. Morgan

House Committee On Judiciary**Action Date:** 03/11/21**Action:** Do Pass.**Vote:** 10-0-0-0**Yeas:** 10 - Bynum, Dexter, Helm, Kropf, Lewis, Morgan, Noble, Power, Wallan, Wilde**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Amie Fender-Sosa, Counsel**Meeting Dates:** 3/4, 3/11**WHAT THE MEASURE DOES:**

Allows an authorized agency to request that the Department of State Police (OSP) conduct a fingerprint-based criminal records check on a person who is a contractor or vendor who provides services to the agency when access to criminal offender information is required to perform noncriminal justice administrative functions for the agency. Requires authorized agency to conduct fitness determinations for contractors and vendors in coordination with the department. Removes requirement that a criminal records check include a name-based check of the national sex offender registry, if requested by the agency. Requires an employee, contractor, or vendor meet the security background check requirements of the Federal Bureau of Investigation (FBI) in order to have unescorted access to criminal offender information. Allows OSP to retain fingerprint cards returned by the FBI for data security purposes. Declares an emergency, effective on passage.

ISSUES DISCUSSED:

- OSP authority for background checks for vendors
- FBI audit findings for Oregon
- OSP currently operating under an FBI temporary policy variance
- National criminal justice records
- Reimbursement of fee for nationwide background check
- HB 2027 (2019)
- Processing speed for background checks

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon law allows the Oregon State Police to provide Oregon and FBI nationwide fingerprint- based background check services for state agencies that have authority through Oregon statute, Federal Law, or by Governor’s Executive Order to perform such checks for regulatory purposes. These purposes include background checks for licensing, certification, permits, employment, and volunteers. See ORS 181A.195.

House Bill 2132 aligns state law with federal requirements and explicitly allows an authorized agency to request Oregon State Police conduct a fingerprint-based criminal background check on contractors and vendors who provide noncriminal justice administrative functions on behalf of an authorized agency.