

HB 2132 STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

Action Date: 05/18/21
Action: Do pass.
Vote: 4-3-0-0
Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski
Nays: 3 - Heard, Linthicum, Thatcher
Fiscal: Has minimal fiscal impact
Revenue: No revenue impact
Prepared By: Amie Fender-Sosa, Counsel
Meeting Dates: 4/21, 5/18

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 and noncriminal justice employers
- Law Enforcement Data System (LEDS) data governed by FBI
- FBI audit findings for Oregon
- OSP currently operating under an FBI temporary policy variance
- House Bill 2027 (2019)
- Repeal of name-based check of the national sex offender registry through NCIC (National Crime Information Center) as not authorized by FBI; no impact on the sex offender registration program

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.