



February 1, 2022

TO: Sen. Dembrow

**FR: Amanda Dalton
Oregon District Attorneys Association (ODAA)**

RE: SB 1512

Thank you for the opportunity to provide written comments on SB 1512. As you have heard from us throughout the interim workgroup process, we believe second changes are important, especially when individuals have made significant rehabilitation steps. However, we also believe there is an important obligation that falls to licensing boards and employers to ensure that applicants do not pose a risk to the public that they serve. It is critical that employers and boards be able to consider all the information necessary to make these decisions, and to appropriately be able to balance the interests of new hires and the public. This is especially critical when hiring for individuals for law enforcement or healthcare jobs, daycare providers and schools with young children and/or obligations to vulnerable individuals. Unfortunately, the current draft continues to present confusing and contradictory provisions without providing the necessary flexibility to ensure the balance of these interests.

As proposed, SB 1512 would override automatic licensing disqualifiers and repeal broad authorization for all licensing bodies to consider criminal history. In those limited scenarios where consideration is allowed, it prohibits disqualification absent a direct relationship between the crime and licensed activity. The proposal also seems to limit private employers from considering anything related to juvenile jurisdiction. The bill does not define when a crime “substantially relate[s]” to a duty or responsibility for which the license is required. The lack of clarification will cause confusion in employers and boards as to what crimes they can or cannot consider and will likely result in differing interpretations of that language and extensive litigation to resolve the lack of clarity. We appreciate recent revisions allowing a board or commission to consider Measure 11 crimes (exempting ORS 137.707) in Section 2(2)(b)), however, we have concerns it narrowly applies to boards and commissions and not private/public employers and only if the agency or board is required or authorized to review. We would also recommend you add the ability for employers, commissions and boards to consider other sex offenses listed in ORS 163A.005(5) and not make them dependent on registration. Sex offender registration in juvenile cases does not occur at adjudication and can only occur after a hearing has been conducted at the conclusion of supervision (after probation, parole, or OYA custody). If the Youth proves by clear and convincing evidence that they are rehabilitated and that they do not pose a threat to public

safety then they are relieved of the reporting obligation. However, the supervision period could go on for some time before the registration determination is made and it is likely important for teaching, nursing or law enforcement jobs, and any other jobs with obligations to the public and vulnerable individuals, to be able to consider this information.

We also have concerns with the amendments proposed in Section 3(6) as we believe they would provide victims with less information about cases than they receive now and could not adequately exercise their statutory rights (ORS 419C.273-Right of victim to be present at proceedings, ORS 419C.274-notification regarding waiver hearing, etc.) and constitutional rights (Art.1, Section 42) to participate in the process. A Youth is not adjudicated until they make an admission or there is a finding that they are within the jurisdiction of the court. Only allowing information to be shared with a victim of an “adjudicated” Youth means that the information that is releasable under this section could not be released to the victims prior to arraignment hearings, pretrial conference, and other court hearings. This results in victims not having knowledge of the hearing and/or knowing enough information to form an opinion to properly advise the court about victim input on release, disposition, and other matters before the court. The proposed amendment conflicts with victim statutory and constitutional rights and appear at odds with victim participation in the juvenile justice process. Further, the amendments to (6) would not allow OYA or the Juvenile Department to share the information in that statute with public safety partners.