

SB 763 -2 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 2/14, 3/28

WHAT THE MEASURE DOES:

Prohibits an employer from requiring an applicant for employment from answering questions regarding the existence of or contents of a record that was created or maintained under the jurisdiction of a juvenile court. Prohibits an employer, state agency or licensing board from inquiring, in connection with an application for employment, licensing or admission as to the existence or contents of a record that was created or maintained under the jurisdiction of the juvenile court. Prohibits discharge or refusing to hire an employee for same, or denial, revocation or suspension of a license. Creates exceptions for an entity that state or federal law explicitly requires or authorizes to consider the juvenile history of the applicant. Creates an exception for entities that are required to consider criminal history, moral character, fitness or similar qualifications: murder in the first or second degree; an act committed by an applicant while between the ages of 16-18, that if committed by an adult would have constituted a crime (assault in the first degree; rape in the first degree; sodomy in the first degree; unlawful sexual penetration in the second degree; sexual abuse in the first degree), and other exceptions for specific licenses and agencies. Allows certain information to be disclosed to certain parties, if the disclosure is reasonably necessary for performance of official duties. Removes provision regarding disclosure of specific information by juvenile court, county juvenile department, or Oregon Youth Authority. Provides specific guidance on who may release the referenced juvenile record information and when. Specifies that a determination that a youth is within the juvenile court's jurisdiction does not disqualify that person from holding public office, and that unless a law specifically authorizes disqualification, a juvenile adjudication does not disqualify a person from engaging in any lawful activity, occupation, profession or calling. Operative date of July 1, 2024.

FISCAL: *Has minimal fiscal impact*

REVENUE: *No revenue impact*

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Replaces the measure. Prohibits employer, state agency or licensing board from taking certain actions on basis of record created or maintained under jurisdiction of juvenile court. For the existence or contents of 1) a record that was expunged under the juvenile record expunction statutes, 2) is a juvenile court record, or 3) is a record of contact (these three will be referred to as specified records), prohibits an employer from requiring an applicant for employment, licensing or admission to answer any questions regarding specified records; prohibits inquiry regarding specified records; disallows barring, discharging from employment or refusing to hire or employ such an individual because of the existence or content of specified records. Provides an exemption for entities where a law explicitly requires or authorizes to consider the juvenile adjudication history of an applicant, and exceptions for certain person crimes, for obtaining certain licenses or certificates, and for enrollment in the Central Background Registry. Specifies that certain information regarding justice-involved youth from the case record may be released to the victim or law enforcement, if reasonably necessary for the performance of official duties. Specifies what persons may receive certain information regarding justice-involved youth. Modifies what entities may release certain information and specifies and places limits on the use of that information. States that a juvenile court's adjudication that a youth is within the juvenile court's jurisdiction does not disqualify the person

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from holding any public office, or pursuing any lawful calling (unless a law explicitly authorizes disqualification).
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BACKGROUND:

Senate Bill 763 modifies when an employer, state agency or licensing board can take action based on juvenile records, with specific exceptions. Current statutory language focuses on whether the record has been expunged instead of whether it was created or maintained by a juvenile court. Specifies that a determination that a youth is within the juvenile court's jurisdiction does not disqualify that person from holding public office, and that unless a law specifically authorizes disqualification, a juvenile adjudication does not disqualify a person from engaging in any lawful activity, occupation, profession or calling. Allows certain information about acts committed by a youth to be disclosed to the victim of the act, law enforcement, the district attorney, a county juvenile authority and certain other entities.