

HB 3224 A STAFF MEASURE SUMMARY

Senate Committee On Human Services

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Meeting Dates: 5/6

WHAT THE MEASURE DOES:

The measure directs the Oregon Department of Human Services (ODHS) to review statutes and rules to identify instances of background checks of subject individuals, study similarities and differences in background checks, and review options to consolidate the number of different background checks. It also requires ODHS to study methods to ensure a person does not have to undergo an additional background check for certain purposes if they have passed a background check in the previous 12 months. The amendment requires ODHS to submit reports on the studies to the Legislative Assembly by specified dates.

Detailed Summary:

Review on Identifying and Consolidating Background Checks

- Directs ODHS to review statutes and administrative rules to identify all instances of background checks of subject individuals under specified statutes, the similarities and differences in the background checks, and options to consolidate and reduce the number of different background checks for similar purposes or programs.
- Specifies the following statutes governing subject individuals that ODHS must include in its review:
 - ORS 181A.200: Employees of ODHS, Oregon Health Authority (OHA), and Oregon Employment Department (OED);
 - ORS 326.604: Employees of the Oregon Department of Education (ODE);
 - ORS 329A.030: Child care providers, operators, and employees enrolled in the Central Background Registry by the Department of Early Learning and Care (DELC);
 - ORS 342.125 and 342.143: Teachers, education personnel administrators, and public charter school operators licensed or registered by the Teacher Standards and Practices Commission (TSPC);
 - ORS 409.027 and ORS 413.036: Abuse and neglect reports used for screening employees, volunteers, and caregivers employed by or acting on behalf of ODHS and OHA, respectively;
 - ORS 418.016: Foster parents, adoptive parents, and relative caregivers of children who are in ODHS custody;
 - ORS 420A.021: Employees, contractors, vendors, volunteers, and foster home operators for the Oregon Youth Authority (OYA); and
 - ORS 443.004 and 443.735: Operators and employees of adult foster homes and residential facilities and home care workers licensed by ODHS and OHA.
- Requires ODHS to consult the workgroup report directed by House Bill 4091 (2012) and published in November 2012 in conducting the review.
- Requires ODHS to submit a report on the review, including any recommendations for legislation, to the Legislative Assembly by September 15, 2026.

Study on Reducing Additional Background Checks

- Directs ODHS to study options for ensuring a person does not need to pass an additional background check for working with children, elderly persons, or persons with disabilities if the person has already passed a background check conducted by a state agency in the previous 12 months.
- Requires ODHS to submit a report on the study to interim committees of the Legislative Assembly related to human services by June 30, 2026.

Relevant Dates

- Sunsets January 2, 2027.
- Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Background checks are commonly used to screen individuals in certain positions or occupations, such as those working with children, youth, elderly persons, persons with disabilities or mental illness, or other vulnerable populations ([LPRO, 2024](#)). This includes educators, foster families, residential care providers, child care providers, and state employees who work directly or indirectly with these vulnerable groups. Background checks can include a verification of an applicant's (or subject individual's (SI)) employment history and a review of criminal justice records. Depending on the licensing entity and the nature of the work involved, certain criminal convictions in an SI's history can result in an automatic disqualification. [ORS 181A.190](#) authorizes certain state agencies to request that the Department of State Police (OSP) conduct a criminal records check on an SI and directs the Oregon Department of Human Services (ODHS) to make a fitness determination on the SI based on the criminal records check. In 2024, the Legislative Assembly passed [House Bill 4122](#) which directed the OSP to participate in the Rap Back system, a federal system maintained by the Federal Bureau of Investigation. The Rap Back system enables authorized entities to receive ongoing status notifications on individuals whose fingerprints are registered in the system.

The Department of Administrative Services (DAS) provides uniform administrative rules to streamline the criminal records check process statewide ([OAR 125-007-0200 to OAR 125-007-0330](#)). These rules contain guidance on the information required from an SI, crimes and offenses considered potentially disqualifying, fitness determination tests conducted by agencies based on information obtained through a criminal records check, and recordkeeping and confidentiality. Individual agencies or licensing boards may have specific requirements beyond the provisions of the statewide rules.

[ORS 181A.200](#) authorizes DHS, Oregon Health Authority (OHA), and Oregon Employment Department (OED) to conduct criminal records checks for certain workers through the Law Enforcement Data System (LEDS) maintained by the Department of State Police. [The Background Check Unit](#) (BCU) is an inter-agency service that conducts background checks for DHS and OHA on applicants, employees, contractors, vendors, and volunteers. The BCU provides services to DHS, OHA, business regulated by either entity, and businesses that meet criteria to use the [BCU Clearinghouse](#). The BCU maintains the [Oregon Criminal History and Abuse Records Data System](#) (ORCHARDS), a portal for agencies and other qualified entities to submit records check requests and receive fitness determination results. There are other comparable but separate processes for enrolling child care workers in the [Central Background Registry](#) maintained by the Department of Early Learning and Care and for educators licensed by the [Teacher Standards and Practices Commission](#).

In 2012, [House Bill 4091](#) directed DAS to convene a work group to develop recommendations for performing background checks. The [HB 4091 work group report](#) included several recommendations to streamline the criminal records verification process, including recommending that organizations that fall within logical clusters explore the ability to share the results of a background verification, and that members within each cluster consider aligning their criteria for fitness determination ([DAS, 2012, p. 18-20](#)).