

Corrected

**HB 3224 A STAFF MEASURE SUMMARY**

Carrier: Rep. Nathanson

**House Committee On Early Childhood and Human Services****Action Date:** 04/03/25**Action:** Do pass with amendments and rescind subsequent referral to Ways and Means. (Printed A-Eng.)**Vote:** 7-0-2-0**Yeas:** 7 - Hartman, Javadi, McIntire, Nguyen H, Nosse, Ruiz, Walters**Exc:** 2 - Elmer, Scharf**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Taylor Bickel, LPRO Analyst**Meeting Dates:** 2/27, 4/3**WHAT THE MEASURE DOES:**

The measure directs the Department of Human Services (DHS) 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 DHS 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 measure requires DHS to submit reports on the studies to the Legislative Assembly by specified dates.

Detailed Summary:**DHS Study on Identifying and Consolidating Background Checks**

- Directs DHS 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.
- Instructs DHS to consult the workgroup report directed by House Bill 4091 (2012) and published in November 2012 in conducting the review.
- Requires DHS to submit a report on the review, including any recommendations for legislation, to the Legislative Assembly by September 15, 2026.

**DHS Study on Additional Background Checks**

- Directs DHS to study options for ensuring a person does not need to pass an additional background check for specified purposes if the person has already passed a background check conducted by a state agency in the previous 12 months.
- Requires DHS to submit a report on the study to interim committees of the Legislative Assembly by June 30, 2026.

**Relevant Dates**

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

*Correction dated 5/6/25 clarifies the third sentence of this section to specify the measure, rather than amendment, requires ODHS to submit reports to the Legislative Assembly.*

**ISSUES DISCUSSED:**

## HB 3224 A STAFF MEASURE SUMMARY

- Findings and recommendations from 2012 workgroup report
- Costs of background checks
- Complexity of various background check requirements
- Time needed to process background checks
- Differences in background check requirements across various agencies or licensing boards

### EFFECT OF AMENDMENT:

The amendment replaces the measure.

### BACKGROUND:

Background checks are commonly used to screen individuals in certain positions or occupations, such as those working with youth or other vulnerable populations. Background checks can include a verification of an applicant's (or subject individual's (SI)) employment history and a review of criminal justice records. [ORS 181A.190](#) authorizes certain agencies to request that the Department of State Police (OSP) conduct a criminal records check on an SI and directs the Department of Human Services (DHS) 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. [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.

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).