

D R A F T

SUMMARY

Permits Oregon Department of Administrative Services to require fingerprints for purpose of requesting state or nationwide criminal records check of person who is employed or applying for employment with, or provides or seeks to provide services to, qualified entity. Defines “qualified entity.”

Permits Legislative Administration Committee to require fingerprints of person who is employed or applying for employment with, or provides or seeks to provide services to, legislative department.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to fingerprints; creating new provisions; amending ORS 184.365; and
3 declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 184.365 is amended to read:

6 184.365. (1) **As used in this section, “qualified entity” means an en-**
7 **tity of the executive department, as defined in ORS 174.112, that con-**
8 **tracts as a client, or is party to an interagency agreement, with the**
9 **Oregon Department of Administrative Services to receive human re-**
10 **sources services from the department.**

11 (2)(a) For the purpose of requesting a state or nationwide criminal re-
12 cords check under ORS 181A.195, the [*Oregon Department of Administrative*
13 *Services*] **department** may require the fingerprints of a person who:

14 [(1)(a)] (A) Is employed or applying for employment by the department;

15 [or]

16 (B) **Is employed or applying for employment by a qualified entity;**

17 **or**

1 [(b)] (C) Provides services or seeks to provide services to the
2 department, **or to a qualified entity**, as a contractor, vendor or volunteer;
3 and

4 [(2)] (b) Is, or will be, working or providing services in a position:

5 [(a)] (A) In which the person is providing information technology services
6 and has control over, or access to, information technology systems that
7 would allow the person to harm the information technology systems or the
8 information contained in the systems;

9 [(b)] (B) In which the person has access to information, the disclosure of
10 which is prohibited by state or federal laws, rules or regulations or infor-
11 mation that is defined as confidential under state or federal laws, rules or
12 regulations;

13 [(c)] (C) That has payroll functions or in which the person has responsi-
14 bility for receiving, receipting or depositing money or negotiable instru-
15 ments, for billing, collections or other financial transactions or for
16 purchasing or selling property or has access to property held in trust or to
17 private property in the temporary custody of the state;

18 [(d)] (D) That has mailroom duties as the primary duty or job function
19 of the position;

20 [(e)] (E) In which the person has responsibility for auditing the depart-
21 ment, **a qualified entity** or other governmental agencies;

22 [(f)] (F) That has personnel or human resources functions as one of the
23 position's primary responsibilities;

24 [(g)] (G) In which the person has access to personal information about
25 employees or members of the public including Social Security numbers, dates
26 of birth, driver license numbers, medical information, personal financial in-
27 formation or criminal background information;

28 [(h)] (H) In which the person has access to chemicals or hazardous ma-
29 terials, to facilities in which chemicals and hazardous materials are present
30 or to information regarding the transportation of chemical or hazardous
31 materials;

1 [(i)] **(I)** In which the person has access to property to which access is
2 restricted in order to protect the health or safety of the public;

3 [(j)] **(J)** In which the person provides security, design or construction
4 services for government buildings, grounds or facilities; or

5 [(k)] **(K)** In which the person has access to critical infrastructure or
6 security-sensitive facilities or information.

7 **SECTION 2. (1) As used in this section, “legislative department” has**
8 **the meaning given that term in ORS 174.114.**

9 **(2) For the purpose of requesting a state or nationwide criminal**
10 **records check under ORS 181A.195, the Legislative Administration**
11 **Committee may require the fingerprints of a person who:**

12 **(a) Is employed or applying for employment with the legislative**
13 **department;**

14 **(b) Provides services or seeks to provide services to the legislative**
15 **department as a contractor, vendor or volunteer; or**

16 **(c) Provides services or seeks to provide services to a board, com-**
17 **mission, committee or task force created by statute or by action of**
18 **an officer of the legislative department.**

19 **SECTION 3. This 2016 Act being necessary for the immediate pres-**
20 **ervation of the public peace, health and safety, an emergency is de-**
21 **clared to exist, and this 2016 Act takes effect on its passage.**

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