



Oregon

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Criminal Background Legislation Report

A legislative update on HB 3330, HB 3331 and HB 3168 related to criminal records checks for licensure and employment purposes from the 2013 Legislative Session

Presented before:

The House Interim Committee on Consumer Protection and Government Efficiency on 9/17/2014

Introduction

For the record, my name is Twyla Lawson. I am the Senior Human Resources Consultant from the Chief Human Resources Office at the Department of Administrative Services (DAS) assigned to facilitate the implementation requirements of three bills passed in the 2013 session related to criminal records checks for licensure and employment purposes ([HB 3330](#), [HB 3331](#) and [HB 3168](#)). A list of the legislation and reports related to the improvement of criminal records checks for licensure and employment purposes are provided in Section 3 of this report.

This report is based upon the information available primarily to DAS and Oregon State Police (OSP) and from information collected from over 50 of the public and non-profit agencies impacted by this legislation. Many stakeholders have assisted at varying levels on all the efforts that have occurred as of today. I am reporting to the Committee on behalf of the agencies who have been impacted by this legislation and will do my best to answer your questions.

As a result of the full implementation of these three bills, it is expected the impacted agencies will experience:

- Reduced costs (by decreasing printed/postage costs, reducing repeat checks when possible, etc.); and
- Improved timeliness (by eliminating manual process, streamlining efforts, reducing duplicate checks)

The purpose of this document is to provide:

- Section 1: Status on Implementation of HB 3168, HB 3330 and HB 3331 (Pages 2 to 3)
- Section 2: HB 3330 Agency Study Results (Pages 4 to 24)
- Section 3: Legislation and Reports Related to Improvements in Criminal Background Checks (Page 25)

Note: These bills primarily impact those who conduct criminal records background checks for applicant purposes under ORS 181.533, 181.534, 181.537, and 267.237. Criminal justice agencies as defined under ORS 181.010 are not included in this legislation.

Section 1: Status on Implementation of HB 3168, HB 3330 and HB 3331

This section will provide you an overall update on each of these bills efforts

Summary

Soon after the passage of this legislation, Oregon State Police (OSP) and the Department of Administrative Services (DAS) worked closely with other interested parties to identify the most efficient starting point. To ensure the requirements of the bills were met as quickly as possible and the impacted agencies realized the quickest benefit, we began with the procurement process required in HB 3330 for the electronic capture and submission of fingerprints. Our work on the implementation of HB 3331 and HB 3168 continue.

HB 3330: Electronic capture and submittal of fingerprints

This bill requires use of electronic fingerprint capture technology for purposes of conducting criminal records checks not related to administration of criminal justice system. To accomplish this, the bill required DAS Procurement to lead the creation of a statewide contract. The statewide electronic fingerprint capture procurement opened for contractors in February 2014, was awarded in April 2014 and was finalized in July 2014. The selected contractor is [Fieldprint, Inc.](#) who has been providing this service for foster care providers through Department of Human Services (DHS) for several years. Fieldprint, Inc. has already developed agreements with more than 30 small entities across the state. Many of these small entities appear to be disadvantaged, minority-owned, woman-owned and emerging small business (D/MWESB) entities. Fieldprint, Inc. is currently working with agencies and setting them up to utilize the contract services.

The cost for the capture of manual fingerprints varies greatly depending on if the individual goes to a public entity or a private entity, which geographic area their fingerprints were taken, etc. Based on our research, the price ranged from free to \$30 per print, depending on the entity capturing the print. The negotiated rate in the new contract is \$12.50 per electronic print captured. Mobile services were also identified by stakeholders as a desirable component and DAS was able to negotiate a Mobile Service Base Rate of \$107.50 per mobile site request with rates decreasing on a percentage basis depending on the volume of prints processed. The negotiated rates are expected to result in an overall expense reduction by either the public or non-profit entity requiring the fingerprints, or by the individual, depending on the purpose for the fingerprints being captured. Please note, this does not include the fees associated with processing the fingerprint background check through OSP or the FBI as those fees remain unchanged.

From 1/1/2014 to 6/30/2014, OSP processed approximately 42,000 fingerprints related to this legislation. Of those fingerprints, approximately 83% were processed from manual ink card fingerprints. Once the statewide electronic fingerprint capture contract with Fieldprint, Inc. is fully implemented, it is expected the 80,000+ fingerprints processed annually will be at least 95% electronically submitted, given an approximation of 5% exceptions. This is expected to result in a significant reduction in process time and expense.

HB 3330 also grants OSP the authority to develop an exception process to capturing and submitting fingerprints electronically – via Oregon Administrative Rule (OAR). OSP is in the process of preparing a draft of the OAR.

HB 3331: Central criminal records registry

This bill required OSP to create a Voluntary Central Criminal Records Check Registry (VCCRC). The framework for the registry has been created. To view the information on the registry visit: <http://www.oregon.gov/OSP/ID/pages/regulatory.aspx> The next steps in implementing this bill are for OSP to create OARs to allow for an appeal process (denial or removal) and possibly, establish application and renewal fees (although no fees are anticipated at this time). Once the OARs are complete, OSP and DAS will partner to communicate to possible applicants and entities who may elect to utilize the registry.

HB 3168: Information sharing

This bill requires DAS, in consultation with OSP, to adopt rules specifying “Categories of individuals” for use in fitness determinations for those who conduct fitness determinations under ORS 181.533 (4)(a) and 181.534 (11); or (B) and under ORS 181.537 (10)(c). This bill also allows the sharing of results of previously made fitness determinations to be used in the evaluation of subsequent criminal background checks.

To illustrate the complexity of this effort;

- A successful implementation of this legislative directive will require the coordination of more than sixty (60) State boards, commissions, and agencies as well as other stakeholders and community partners that have their own rules or requirements related to background checks and fitness determinations.
- Substantial legal research and analysis will need to occur with regard to the range of differing, agency criminal background check statutes and administrative rules.
- Legislative concepts will need to be drafted to accomplish necessary statutory language changes (for language currently in statute that will be moved into rule)
- New rule language will need to be drafted and implemented to replace all of the existing agency rules into one set of rules.
- Further legislation is expected to be necessary, as there is existing statutory language specifying types of crimes that may be considered in reviewing criminal offender information (also known as disqualifying crimes). This will need to be stated in Oregon Administrative Rules related to each category of individuals. Once the work is complete to determine exactly what language must be changed, a legislative concept may be drafted.

Accomplishing this task will require a significant amount of time and stakeholder involvement to establish the new uniform statewide rules. As an initial step, we are currently reviewing all of the related statute and rule language related to this bill and drafting a report of the results. On or about October 2014, a workgroup will be convened and begin work on analyzing the information in the report and developing a strategy for moving forward. Furthermore, a website is being created to provide information related to the implementation of the bills. The website is expected to be live prior to the workgroup kick-off in October 2014.

While much of this work is administrative, analytical or technical rule research and writing, which is relatively normal work for our agency and can be planned out and controlled, the most difficult piece of this project will be the consensus building among the large number of diverse stakeholders with differing opinions, interests, existing rules, practices, and philosophies. That coupled with some other challenges, including limited staffing and no dedicated budget resources will make completion of this project challenging.

Section 2: HB 3330 Agency Study Results

Agencies affected by this legislation provided contact information for this data collection back in December 2013. In August 2014 the results of their studies were collected by DAS through an online survey.

This bill required the electronic capture and submission of fingerprints beginning January 1, 2014. However, to ensure the contract established was a quality, legally supportable contract, we had to allow enough time for necessary steps to occur. As stated earlier in this document the contract with Fieldprint, Inc. is currently being implemented. As a result, most of the agencies either have not yet implemented or have not had enough time to experience the expected time and cost reduction improvements.

HB 3330 from the 2013 Legislative session states:

“(2) Each agency designated by the State of Oregon to report, receive or disseminate criminal record information to conduct a study of:

- (a) The agency’s processes related to fingerprint capture;
- (b) Whether those processes require fingerprinting only:
 - (A) When required by federal law or regulation;
 - (B) For identity verification; or
 - (C) When equivalent verifying information is not available through other means; and
- (c) Steps that the agency may take to reduce repetitive fingerprint capture.”

Note: The collection of agency study results have been compiled and are provided below in a table format with their responses to each required item. Agencies were also given the opportunity, if desired, to add any additional information related to this legislation the agency wanted to report. This additional information is noted by an asterisk symbol (*).

<ul style="list-style-type: none"> - Department of Administrative Services - Basin Transit Service - Commission for the Blind - Oregon Board of Chiropractic Examiners - Confederated Tribes Gaming Commission - Board of Counselors & Therapists - Oregon Board of Dentistry - Oregon Department of Education - Oregon Department of Energy - Oregon Department of Fish and Wildlife - Oregon Department of Forestry - Housing Authority of Lincoln County - Housing & Community Svcs Agency of Lane Co. - DHS- Child Welfare - Department of Human Services and Oregon - Health Authority Background Check Unit - Grand Ronde Gaming Commission - Jackson Street Youth Shelter, Inc. - Department of Justice 	<ul style="list-style-type: none"> - Oregon Corrections Enterprises - Oregon Military Department - Oregon Board of Optometry - Oregon State University - Oregon Parks and Recreation Department - Oregon Board of Pharmacy - PERS - Board of Psychologist Examiners - Portland State University Public Safety - Department of Public Safety Standards and - Training - Oregon Racing Commission - Oregon Real Estate Agency - Department of Revenue - Rogue Valley Youth for Christ - Secretary of State - Board of Examiners for Speech-Language Pathology & Audiology - Sunset Empire Transportation District - Teacher Standards and Practices Commission
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<ul style="list-style-type: none"> - Klamath Tribes Gaming Regulatory Commission - Department of State Lands - Oregon Board of Licensed Social Workers - Oregon Board of Massage - Oregon Medical Board - Board of Medical Imaging - Minds Matter Portland - Board of Naturopathic Medicine - State Board of Nursing 	<ul style="list-style-type: none"> - Tillamook County Transportation District - ODOT/DMV - ODOT/Rail - ODOT/Highway - Oregon State Treasury - TriMet Human Resources - Umatilla Tribal Police Department - Oregon Department of Veterans' Affairs - Oregon Youth Authority
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Agency	Department of Administrative Services
(2)(a)	Fingerprints are obtained for the following purposes: 1. Employment Prints: Obtained when the subject individual has lived outside of Oregon for 60 or more days in a row in the last 3 years. 2. CJIS (Watch list): Position/duties require access to CJIS data including files, records and computer network infrastructure dedicated to users that interact with national CJIS systems through the Oregon State Police. Current Process: Issue cards with DAS specific information and direct subject individual to OSP office for printing. The individual then returns the card which is returned with the Criminal Records Check documents for the (LEDS based criminal records check). The fingerprint cards are then sent via secure shuttle to OSP for processing. Upon results, notification is made to the hiring manager. We have begun working on getting the new electronic process implemented and anticipate improvement to our current process by saving approximately \$7.50 for each set of prints rolled. In addition we also anticipate considerable improvement in the time required for OSP to provide results.
(2)(b)	Employment (Oregon based background check) or CJIS clearance.
(2)(c)	We evaluated and streamlined our background check and fingerprint process with changes taking effect May 2013. We use a tracking spreadsheet to ensure we are not requiring CJIS prints for staff who are already on the DAS CJIS Watch List.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Basin Transit Service
(2)(a)	Under ORS 267.237 we check the criminal history of new bus drivers. There are approximately 2-5 activities per year. We send our employees to the Klamath County Sheriff's office. They prepare paper fingerprint cards that we send with a cover letter to the State Police. The report from the State Police is reviewed for compliance with or policy and the ORS and then stored in a secure file for 180 days. After the storage period the records are destroyed.
(2)(b)	ORS 267.237
(2)(c)	We understand that Fieldprint Inc. has been selected to be the vendor to electronically scan fingerprints in the future to eliminate paper. When that service is available to our agency we will change from a paper to an electronic process.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Commission for the Blind
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(2)(a)	OCB captures fingerprints as part of criminal background checks related to employment. Our experience is that new employees, in general, have not been through fingerprinting prior to accepting employment with OCB.
(2)(b)	Employment background checks.
(2)(c)	OCB recently reviewed our process for opportunities to streamline, however we are still using hard card fingerprints. We believe once the statewide contract to electronically capture and submit prints is implemented within our agency we will have further opportunities to improve our process.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Oregon Board of Chiropractic Examiners
(2)(a)	Applicant receives instruction letter, fingerprint card, and letter of instructions that includes a list of fingerprint processing agencies/vendors. We do not capture fingerprints within our office. - Applicant contacts local fingerprint agency (contracted company or law enforcement agency). - Livescan may be accomplished, or ink and roll done. Fingerprints must be printed onto our card. - Fingerprint card with signed letter are sealed in envelope and mailed back to our agency. - Agency mails received fingerprint cards to Oregon State Police for processing.
(2)(b)	For identity verification, Per OAR 811-010-0084, fitness verification.
(2)(c)	Occasionally, we need to have the applicants resubmit their fingerprint cards as they were undetectable or untestable by OSP. If the Livescan process was more efficient or if the applicants could mail the cards directly to OSP without mailing to us, that would improve our efficiency in the process.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Confederated Tribes Gaming Commission
(2)(a)	We are currently utilizing a L1 Identix fingerprint capture device and software.
(2)(b)	Required by federal law or regulation
(2)(c)	We are a licensing agency for a Native American Regulatory Authority and do not have repetitive fingerprint capture.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Board of Counselors & Therapists
(2)(a)	The Board requires all license applicants to pass a criminal background check, and all licensees are rechecked every 5 years. Applicants request fingerprint packet; once they receive it, they take the cards to local law enforcement to get fingerprinted; applicants pay the cost of getting their fingerprints; the cards are sent to the Board office; the license applicant must pay to the Board \$47.25 for processing; the \$47.25 is passed through to the Oregon State Police. The Board sends the cards to the Oregon State Police for processing. Background check results come to the Board via LEDS terminal. OSP bills the Board for those fingerprints processed each month.
(2)(b)	For criminal background check for licensing purposes

(2)(c)	The Board currently accepts a 1-page verification form if the license applicant had their fingerprints taken for criminal background checks within a year prior to applying for a license. The form must be filled out by the agency that conducted the background check and confirm that the check was fingerprint based and included FBI check.
Any Additional Information*	We are looking forward to livescan instead of fingerprint cards!

Agency	Oregon Board of Dentistry
(2)(a)	We require all new applicants to have a National Criminal Background check. Applicants go to a Law Enforcement Agency or one of the approved contract agencies for a live scan of finger prints unless they are not currently in Oregon and then they submit paper finger prints.
(2)(b)	Required by federal law or regulation
(2)(c)	We only require these finger prints to be taken once so there is not repetitive capture for the OBD
Any Additional Information*	The processing time for finger prints since OSP went to live scan has increased dramatically, it take only a few days for results when it used to take weeks.

Agency	Oregon Department of Education
(2)(a)	All new hire, classified employees, not requiring licensure, with a school district, private alt. ed. school, or charter school, that will be working in Oregon's schools, are required to submit a fingerprint card and contracted employees who has direct, unsupervised contact with students, are required to submit a fingerprint card: ORS 326.603 Authority of school district and schools to obtain fingerprint and criminal records check of employees and contractors; fee;. (1) For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Department of Education may require the fingerprints of: (a) A school district or private school contractor, whether part-time or full-time, or an employee of a contractor, whether part-time or full-time, who has direct, unsupervised contact with students as determined by the district or private school. (b) A person newly hired, whether part-time or full-time, by a school district or private school in a capacity not described in ORS 342.223 (1). (c) A person who is a community college faculty member providing instruction: (A) At the site of an early childhood education program or at a school site as part of an early childhood education program; or (B) At a kindergarten through grade 12 school site during the regular school day. (d) A person who is an employee of a public charter school. Completed fingerprint cards are recorded into the applicant's ODE file and forwarded to the Oregon State Police (OSP) for processing.
(2)(b)	Required per OAR 581-021-0500 and ORS 326.603 – School Districts, Charter Schools, Private Alt. Ed. Schools, and contracted employees not requiring licensure.
(2)(c)	ODE encourages applicants to seek agencies offering LiveScan services with the ability to print the image onto the card. We rely on the expertise of the OSP and FBI to accept or reject the prints. We are hopeful that using a centralized system may reduce the need for getting fingerprints for each new hire/promotion if the individual is already in the system for a recent fingerprint check. This could reduce repetitive fingerprints for temp hires, substitutes, or contracted employees.

Any Additional Information*	No, all the information has been provided in the previous questions
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Agency	Oregon Department of Energy
(2)(a)	Agency contact person will provide employee with notice of criminal records check form, request for transmission of live scan fingerprints form, and the ODOE voucher to use at OSP's Portland Road location. These prints are taken through live scan by OSP and the results are mailed to our office within one week. The voucher allows OSP to bill ODOE on a monthly basis for their electronic fingerprint capture.
(2)(b)	State Law
(2)(c)	The Department conducts a criminal records check on an employee, applicant, or volunteer (collectively "applicant") whenever that applicant voluntarily accepts, demotes, transfers or promotes to another position. In these situations our long standing agency practice for internal candidates has been to not repeat a criminal records check if one has been completed within the last 6 months.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Oregon Department of Fish and Wildlife
(2)(a)	ODFW employees are fingerprinted upon initial hire to a position with a criminal history check (CHC) requirement. The CHC requirement is determined by the duties assigned to the position, and includes the use of firearms, money handling, SPOTS cared use and access to confidential "sensitive" information. Employees are instructed to report to a local law enforcement agency within three days of hire to be printed. Those who are within a reasonable distance to Salem are sent to the OSP ISS Office on Portland Road for LiveScan prints. Employees stationed in more remote locations have been directed to their nearest law enforcement office offering fingerprinting service where, prior to the State's newly awarded Electronic Fingerprint Capture and Transmission Services contract with Fieldprint, Inc., these were generally hard copy prints that were then subsequently mailed to Human Resources at Salem Headquarters before being sent to OSP for processing.
(2)(b)	Fingerprinting is conducted for Criminal History Checks (CHC) for employment purposes, pursuant to OAR 635-600.
(2)(c)	ODFW requires fingerprinting only upon initial appointment. Although we conduct annual criminal history checks on employees currently filling positions with a CHC requirement, we do not require fingerprints. Annual checks are through LEDS only, thus avoiding repetitive fingerprint capture.
Any Additional Information*	ODFW is in the process of setting up an account with a service provider for statewide electronic fingerprint capture and transmission.

Agency	Oregon Department of Forestry
(2)(a)	We do not currently process fingerprint background checks.
(2)(b)	N/A, fingerprints are not captured
(2)(c)	We do not currently process fingerprint background checks.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Housing Authority of Lincoln County
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(2)(a)	We currently manually roll prints onto the FD-258 10-print card Only completed on applicants that have returned a hit (on the NCI database) from our preliminary screening that is outside of Oregon, or if applicant disputes our preliminary finding.
(2)(b)	Required by federal law or regulation, For identity verification, When equivalent verifying information is not available through other means
(2)(c)	We keep records of applicants processed within previous years, with results (Pass/NoPass) in our records.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Housing & Community Svcs Agency of Lane Co.
(2)(a)	We are a Housing Authority and LEDS agency. If an applicant is a multi-state offender, or recently came to OR, then we are required by HUD to obtain any out-of-state records, primarily to verify the person is not a registered sex offender, or manufactured meth in any federally subsidized housing. There are also HUD regulations regarding criminal behavior, and we also have a Statement of Polices that outlines admission requirements pertaining to criminal histories. We conduct criminal background checks on all Public Housing and Multi-Family Housing applicants.
(2)(b)	Required by federal law or regulation
(2)(c)	We use a channeling service that costs us \$26 per submission. With our budget issues, we are highly motivated to avoid repetitive printing. We fingerprint applicants once when needed and document their electronic record, so if they come back again, we still have the information.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	DHS- Child Welfare
(2)(a)	We rely in large part on the vendor FieldPrint for fingerprinting prospective foster parents, adoptive parents and others who live in prospective foster/adoptive homes. FieldPrint captures prints electronically. In areas of the state where FieldPrint doesn't operate, we sometimes rely on LiveScan electronic fingerprinting equipment housed at the local Child Welfare branch. In some locations fingerprinting occurs at the local police station or nearest Oregon State Police office. In some areas prints are captured by DHS personnel using ink and paper. Private entities contracted with Child Welfare and/or licensed by Child Welfare are required to fingerprint their employees and volunteers' if/when subject individuals meet the criteria for a fingerprint-based FBI check. Private entities capture prints in a variety of ways, both electronic and with ink and paper. Prints are submitted to the DHS Background Check Unit (BCU) and the BCU conducts the background check in conjunction with State Police.
(2)(b)	Required by federal law or regulation, For identity verification, required by state statute and/or administrative rules
(2)(c)	Once a subject individual has been subject to a fingerprint-based nationwide check, the subject individual may be required to undergo subsequent non-fingerprint-based in-state criminal background checks, but a subsequent fingerprint-based FBI check is not required unless or until the subject individual

	changes employment or there is a new application for licensure after a period of not being licensed.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Department of Human Services and Oregon Health Authority Background Check Unit
(2)(a)	In terms of process, fingerprinting is always required when an individual discloses out of state criminal history. Depending on the program, if they report out of state residency of more than 60 days within the last 18 months (for Child Care) or 5 years (for all other programs), fingerprinting will also be required. In addition, if they have out of state identification fingerprinting will be required. Finally, some programs always require fingerprinting (for example, Medical Marijuana Dispensary program, Disability Determination, and Adam Walsh). When someone is identified to need fingerprinting, they are currently directed to all available ink and electronic fingerprint capture options for their area. DHS and OHA have a contract through Fieldprint which has been active since 2012. Previous to work on HB3330 use of this contract was predominantly for DHS Child Welfare foster care providers and adoptive families, and DHS and OHA volunteers and employees. Since HB3330 was passed, work has been continuing to expand the DHS and OHA Fieldprint contract to all programs of DHS and OHA. In areas served by Fieldprint, Fieldprint is provided by DHS and OHA as the primary option for fingerprinting, with law enforcement electronic fingerprint capture and submission provided as a secondary option.
(2)(b)	Required by federal law or regulation, For identity verification, State law or regulation; out-of-state disclosure
(2)(c)	Over 2014, the Background Check Unit (BCU) has been working with the DHS Aging and People with Disabilities and DHS Developmental Disability Services programs to increase portability of background checks for home care workers and personal support workers from county to statewide coverage, thereby reducing redundant fingerprinting. In addition, BCU has worked with OHA to create statewide certification for Traditional Healthcare Workers. Recently, due to HB4151, DHS and OHA have also been working on creating statewide portability for programs and positions covered by HB4151, estimated by BCU to have the potential to lower related background checks by approximately 17%. Lastly, in 2013 the legislature approved matching funds for a Centers for Medicare and Medicaid Services (CMS) grant dedicated to creating fingerprinting efficiencies and reduce redundant fingerprint capture.
Any Additional Information*	It should be noted that there may be upcoming changes in Federal policy to CMS-related programs that may require fingerprinting for all providers. In addition, changes in Federal policy to Child Care programs may require fingerprinting for all providers and household members. The effects of both policies would greatly increase total fingerprinting in the State regardless of portability since most related subject individuals are now vetted on a statewide basis, but a majority are not fingerprinted.

Agency	Grand Ronde Gaming Commission
(2)(a)	Background investigations on those applying for a gaming license.

(2)(b)	We only submit fingerprints for new applicants and those that are reapplying and it has been over a year since their last submission. So I would not consider our process causing repetitive fingerprint capture.
(2)(c)	We only submit fingerprints for new applicants and those that are reapplying and it has been over a year since their last submission. So I would not consider our process causing repetitive fingerprint capture.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Jackson Street Youth Shelter, Inc.
(2)(a)	Those who have lived out of state in last 5 years for 60 days or more, those with a criminal record, and those applying to be a mentor with our organization are referred to the local fingerprinting hours in our community.
(2)(b)	By licensing and Criminal Background Check manual via DHS
(2)(c)	We only do fingerprints... -At initial interview (if program informs us we need to or person is applying to be a mentor) -Every 2 years following (manual requirement) - Position change (manual requirement) -If they are sent back to us by DHS as "bad" We don't feel we are doing repetitive checks, only following the requirements.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Department of Justice
(2)(a)	We do not capture fingerprints (exception Criminal Justice Division when sworn officers are arresting suspects of criminal activities). However we have a number of employees with LEDS access, as part of the process in getting LEDS access an employee must have fingerprints done. DOJ sends our employees to Oregon State Police for fingerprinting it cost DOJ \$20 per employee.
(2)(b)	Required by federal law or regulation
(2)(c)	For employee's getting LEDS access, fingerprinting is done only on initial certification. Fingerprinting is not required on recertification. As part of our pre-employment criminal background checks DOJ has taken steps to streamline the process. We have created a paperless process that now bypasses the hiring manager in gathering the needed information to run a LEDS check.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Klamath Tribes Gaming Regulatory Commission
(2)(a)	We require potential employees to complete fingerprints at any county, state or federal law enforcement agency and submit them to us which is then submitted for a background check.
(2)(b)	Required by federal law or regulation, For identity verification, Criminal history
(2)(c)	This is not within our control, guidelines are set forth by both state and federal requirements.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Department of State Lands
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(2)(a)	DSL has a user agreement with the Department of State Police for the purpose of providing fingerprints as described in HB 2157, section 12. We send potential new hires/promotion letters notifying them that as part of the hiring process certain positions must complete a finger based criminal records check. We provide directions to Oregon State Police (OSP) and a blank fingerprint card with our employer identification and ORS 273.183 as the reason for the fingerprints. They are instructed to return the fingerprint card to the agency Human Resource (HR) office. HR arranges for the individual to be reimbursed for the cost of the fingerprints. HR sends the card to OSP for processing. OSP sends the results and the fingerprint card back to HR. Final job offers are made for successful completion of the criminal records check.
(2)(b)	Required by federal law or regulation, For identity verification
(2)(c)	We are hopeful that using a centralized system may reduce the need for getting fingerprints for each new hire/promotion if the individual is already in the system for a recent fingerprint check. This could reduce repetitive fingerprints for volunteers and temp hires.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Oregon Board of Licensed Social Workers
(2)(a)	When an individual obtains an application from the Board, the application packet has a Fingerprint ID Form & Instructions, along with the Board's fingerprint card inclusive to the application process. The Applicant can decide to either take the fingerprint card to a facility that offers fingerprinting services, such as the state police, sheriff's department or any public fingerprinting agency. The Applicant can also opt to have their fingerprints captured via LiveScan transmission to a facility that has that option. Once the fingerprints have been obtained, the Applicant's fingerprint card (if LiveScan was not used) is placed in a self-addressed envelope and mailed to the Board. The fingerprint cards the Board receives are then submitted to the Oregon State Police (OSP) for processing. Once the OSP have processed the prints, OSP sends the fingerprint background results to the Board via LEDS (Law Enforcement Data System) transmission where I, the Board's LEDS Representative, use the Board's LEDS terminal to retrieve & review the background results for fitness determination. If LiveScan was used, the fingerprint results are retrieved via LEDS as well.
(2)(b)	Required by federal law or regulation
(2)(c)	At this point, the Board is collaborating with other similar Boards to develop a plan to address this issue.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Oregon Board of Massage
(2)(a)	1) The applicant provides a fingerprint card to the board. 2) The board logs the fingerprint and places the fingerprint card in the safe for storage until the next morning. 3) The board lists the prints that will be sent to OSP that day and prepares the secure shuttle address label and places in the outgoing mail. 4) Daily checks LEDs for fingerprint results
(2)(b)	Fitness to practice

(2)(c)	A fingerprint log is kept and the submission of the prints is put in the licensee database
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Oregon Medical Board
(2)(a)	The fingerprint processor records and tracks criminal background checks on all applicants, current licensees applying for reactivation or under investigation, and as requested by human resources. Fingerprint packets are mailed to applicants once an application has been received with fee and at the request of investigators. The subject takes the fingerprint card along with the required identification verification form to a local law enforcement office or to private fingerprinting company to obtain prints. The fingerprints along with the identification verification form are then returned to the Board for processing. The fingerprint processor reviews fingerprint cards and identification verification forms for completion, maintains fingerprint task records, and forwards prints on to the Identification Services Division of the Oregon State Police for processing. The fingerprint processor tracks the contents of outgoing shipments sent to OSP and the contents of incoming shipments received from OSP. As shipments are received from OSP, the fingerprint processor monitors the number of times prints are rejected, notifies subjects of fingerprint rejection via email, and sends out additional fingerprint packets and official rejection letters. All CBC reports are reviewed for derogatory information and distributed to the appropriate processor/investigator.
(2)(b)	Required by federal law or regulation, For identity verification, Review for derogatory information
(2)(c)	When sending the initial fingerprint packet to an applicant, we send an additional two cards and ask that they have them all completed. In the event of a rejection the applicant doesn't have to have to have the information reprinted, as we have two extra cards on file. This saves the applicant time and cost. We are currently in the process of setting up an account with Fieldprint, Inc. to allow Oregon applicants to obtain fingerprints via Livescan. Unfortunately, this service will only benefit a small number of our applicants, as most are out of state applicants and OSP doesn't allow livescan prints from out of state applicants.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Board of Medical Imaging
(2)(a)	We have no process currently. The Board has approved a fee to implement fingerprint background checks, but we are waiting for paperwork to be processed through OSP and FBI. Once approved, our plan is to complete fingerprint background checks on new license applicants, and continue our current process of completing LEDS checks on all license renewal applicants.
(2)(b)	When equivalent verifying information is not available through other means
(2)(c)	We could cross-check with a voluntary criminal records check registry (HB 3331). Also, if a standardized process for criminal background checks for health profession students (SB 879 in 2011), we could use that process to reduce repetitive fingerprint capture.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Minds Matter Portland
(2)(a)	Currently, we do not utilize fingerprint capture. We utilize other services to run national criminal background checks for our volunteers.
(2)(b)	We don't use fingerprint capture.
(2)(c)	We don't use fingerprint capture.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Board of Naturopathic Medicine
(2)(a)	Since the implementation of the bill (HB 3330) relating to electronic capture and submittal of fingerprints, the Oregon Board of Naturopathic Medicine has required applicants to get prints done by live scan (electronically) and submitted directly to Oregon State Police. The form with necessary information is posted on our web site and available for applicants with a phone call to the office. On occasion, usually with out of state applicant, we receive paper (card) submissions, which we forward to OSP as we had done previously. They have been accepted by OSP; but note it does take longer to get the results back.
(2)(b)	for licensure as a Naturopathic Physician in Oregon
(2)(c)	We have implemented and required electronic submissions since May 2014. We have not had any issues or reason for duplicate submission that I am aware of.
Any Additional Information*	It may be because we were doing fingerprinting for criminal background checks since 2008, but the transition to this new requirement has not had many problems. The biggest problem might be with out of state applicants; however, we have not had any issues with OSP or processing in these cases.

Agency	State Board of Nursing
(2)(a)	Applicants are sent cards to take to a print capturing facility. The applicant pays a fee to the Board which the Board passes through to the OSP and the OSP sends a portion to the FBI. The OSP invoices us monthly for the fees. The applicant must also pay a fee to the individual fingerprinting facility to actually capture the prints. The cards are sealed at the capture facility and sent or brought back to the OSBN. The OSBN staff then sends the cards to OSP for processing.
(2)(b)	Required by federal law or regulation
(2)(c)	We only accept fingerprint cards that have our seal on them (we send these directly to the applicant) and we only accept cards sealed at the site of the fingerprint capture.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Oregon Corrections Enterprises
(2)(a)	OCE staff must be issued a DOC ID / Access card. In order to receive this card, all OCE staff are fingerprinted by DOC. Prints are later run through the State Police / FBI.
(2)(b)	For identity verification , Required to access DOC facilities
(2)(c)	NA
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Oregon Military Department
(2)(a)	<p>The Oregon Military Department has authority to conduct fingerprint background.</p> <p>All employees have a LEDS check conducted upon hire and certain programs run fingerprint checks.</p> <p>Our Oregon Youth Challenge Program is an alternative, residential high school. Everyone works with the youth. As such, we are required to run fingerprint background checks on all employees.</p> <p>Our Office of Emergency Management conducts fingerprint background checks on all employees who work in the office. The agency picks up the expense of the fingerprint check. Fingerprints are required as the employees are exposed to and work with highly sensitive, mission specific data.</p>
(2)(b)	<p>Authority of school districts and schools to obtain criminal records check of applicants for employment -- ORS 326.607</p> <p>Authority to conduct fingerprint background checks for all Military Department employees comes from ORS 396.332 which states our authority to conduct criminal background checks comes from ORS 181.534.</p>
(2)(c)	<p>The majority of Oregon Military Department employees are not charged for fingerprints. Fingerprints for state employees are conducted at the Oregon State Police and local law enforcement entities. Because of the critical and sensitive nature of our work, the fingerprint checks must be current.</p>
Any Additional Information*	<p>All employees working on the federal network are required to have extensive background checks performed under federal requirements and conducted by the federal government. (At no cost to the employee.)</p>

Agency	Oregon Board of Optometry
(2)(a)	The Oregon Board of Optometry currently does not conduct fingerprint capture.
(2)(b)	National Background Check
(2)(c)	Unknown.
Any Additional Information*	<p>We are interested in moving forward with our statutory authority to conduct FBI criminal background checks on applicants and those under investigation. We conduct LEDS/OJIN/OECI and National Practitioner Data Bank checks on applicants and licensees.</p>

Agency	Oregon State University
(2)(a)	Livescan electronic fingerprints and ink hard copy fingerprint cards.
(2)(b)	For identity verification
(2)(c)	Applicants are only fingerprinted for Oregon State University once.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Oregon Parks and Recreation Department
(2)(a)	<p>Preliminary to a criminal records check, a subject individual shall complete an electronic authorization that allows OPRD to conduct a background check, and, if requested by the Department, a fingerprint card. A subject individual shall complete the authorization, and, if requested a fingerprint card within three</p>

	<p>business days of receiving the authorization. The Department may no request a fingerprint card from a subject individual under the age of 18 years unless the Department also requests written consent of a parent or legal guardian. Within a reasonable period of time, as established by an authorized designee, a subject individual shall disclose additional information as requested by the Department in order to resolve any issue hindering the completion of a criminal records check.</p> <p>When A Criminal Records Check Is Conducted. An authorized designee may conduct or request the Oregon Department of State Police to conduct a criminal records check when: An individual meets the definition of “subject individual”; or Required by federal law or regulation, by state law or administrative rule, by contract or written agreement with the Department, or by Department policy. The Type of Criminal Records Check to Conduct. When an authorized designee determines under section 2 of this rule that a criminal records check is needed, the authorized designee shall proceed as follows: LEDS Criminal Records Check. The authorized designee may conduct a LEDS criminal records check as part of any fitness determination conducted in regard to a subject. Oregon Criminal Records Check. The authorized designee may request the Oregon Department of State Police to conduct an Oregon criminal records check (fingerprints required) when: The authorized designee determines that an Oregon criminal records check is warranted after review of the information provided by the subject individual, the results of a LEDS criminal records check, or other criminal records information; or The subject individual’s job duties require a fingerprint criminal records check. Nationwide Criminal Records Check. The authorized designee may request the Oregon Department of State Police to conduct a nationwide criminal records check when: A subject individual has lived outside Oregon for 60 or more consecutive days during the previous three (3) years; Information provided by the subject individual or the results of a LEDS or Oregon criminal records check provide reason to believe, as determined by an authorized designee, that the subject individual has a criminal history outside of Oregon; As determined by an authorized designee, there is reason to question the identity of or information provided by a subject individual. Reasonable grounds to question the information provided by a subject individual include, but are not limited to: the subject individual discloses a Social Security Number that appears to be invalid; or the subject individual does not have an Oregon driver’s license or identification card; A check is required by federal law or regulation, by state law or administrative rule, or by contract or written agreement with the Department; An Executive Service or Management Service employee seeks to serve as an authorized designee; or A subject individual is an OPRD employee working in, moving to, or applying for a position designated by the Department Director or the Director’s designee as including the responsibilities of an authorized designee or contact person.</p>
(2)(b)	Required by federal law or regulation, For identity verification, When equivalent verifying information is not available through other means, Job duties require a fingerprint criminal records check.
(2)(c)	Human Resources maintains log of all employees required for fingerprint capture.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Oregon Board of Pharmacy
(2)(a)	We provide a fingerprint card and Identity Verification Form with the following instructions: 1. Carefully read and complete Section 1 of the Fingerprint Identity

	<p>Verification form. 2. Choose and contact a fingerprinting facility. Some facilities require appointments to create a set of prints. Fingerprinting services are available from most law enforcement agencies or the telephone number of private companies can be found in the yellow pages of the phonebook under "Fingerprinting". These facilities charge a fee for the service. 3. Take the Fingerprint Identity Verification form and fingerprint card (Federal Form FD 258) to a fingerprinting facility. Complete the Fingerprint Identity Verification form and necessary fingerprint card fields in blue or black ink. Necessary fields to be completed on fingerprint card in addition to prints: Reminder: Your signature on the fingerprint card must be witnessed by the fingerprinting official. A request is included at the bottom of the Fingerprint Identity Verification form for the fingerprint official to place the completed fingerprint documents into a sealed envelope before returning the documents to you. Ensure that the person who takes your fingerprints completes Section 2 of the form. 4 Return the fingerprint card with this form in the envelope provided directly to the Oregon Board of Pharmacy. Your fingerprint card will be rejected by the Board if this Fingerprint Identity Verification form is not included with it. Checklist - Mail the following three (3) items to the Oregon Board of Pharmacy (OBOP) in the envelope with appropriate postage required: The Fingerprint Identity Verification form completed by the applicant and fingerprinting official. The completed, non-folded fingerprint card (Federal Form FD 258) with necessary fields completed. Fingerprint-based criminal background check processing fee. Payment should be made to the Oregon Board of Pharmacy. The person taking the fingerprints is asked to verify ID and then is asked to please place completed Fingerprint Identity Verification form and completed fingerprint card into a sealed envelope before returning documents to the person getting fingerprints taken. Once the completed information is returned to the Board and verified, the fingerprint card is sent to OSP for processing.</p>
(2)(b)	Licensing in healthcare related field
(2)(c)	N/A
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	PERS
(2)(a)	We do not have a process for capturing fingerprints. We conduct background checks through OpenOnline at time of hire.
(2)(b)	N/A, fingerprints are not captured
(2)(c)	N/A
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Board of Psychologist Examiners
(2)(a)	My agency requires fingerprinting of all applicants for licensure (psychologist and psychologist associates) and is also authorized to require fingerprints from licensees who are under investigation. Applicant's background check results must be received before the application can be approved. The applicant sends to us the fee (currently \$44.50) up front, and we send to them a fingerprint packet containing instructions on how to either get ink fingerprints or Live Scan. The packet includes a list of locations that perform Live Scan along with a Request for

	Transmission of Live Scan Fingerprints and a fingerprint card prefilled with the agency's information along with an ID Verification form (created by our agency) for the fingerprinting technician to complete. Applicants who get ink prints return to us (in a sealed envelope signed across the seal by the technician) their card and the ID Verification form, and we immediately forward cards to OSP. We then receive the background check results by mail. We are billed monthly by OSP for cards processed.
(2)(b)	Fitness determination for licensure to practice psychology
(2)(c)	The agency has a policy to not require a fingerprint-based background check again if we have checked that applicant within the past year (e.g. a reapplication). We have spoken to OSP to try and determine other ways to reduce repetitive capture, for example by sharing background check results between state agencies when an applicant has recently been fingerprinted. However, we were informed that OSP and the FBI do not allow secondary dissemination of criminal history information. Therefore we are not aware of any steps we could take at this time that would be consistent with the legal limitations and our mandate to protect the public.
Any Additional Information*	About 60% of our licensees apply from out of state. Until electronic fingerprint submission becomes an option in other states, we hope that the draft rules will create exemptions that allow us to continue to accept fingerprint cards from out of state applicants.

Agency	Portland State University Public Safety
(2)(a)	We currently do ink fingerprints for new employees as required by CJIS
(2)(b)	Required by federal law or regulation, For identity verification
(2)(c)	We only do fingerprints for new hires
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Department of Public Safety Standards and Training
(2)(a)	Employees with access to LEDS terminal/printouts - fingerprinted at the time of hire per OSP agreement. DPSST Instructors - Fingerprinted at the time of application for instructor certification. Public Safety Officers (police, corrections, 9-1-1, parole & probation, emergency medical dispatchers) - agency responsible for fingerprinting and forwarding fingerprints to OSP with proper DPSST OCA at the time of hire with any agency. Fire Service Professionals - Fingerprints required if never fingerprints have never been captured or if the individual is identified in LEDS as a multi-source offender. Private Security/Private Investigators/Polygraph Examiners - Fingerprints submitted at the time of application for certification or licensure (initial and renewal applications).
(2)(b)	Required by federal law or regulation
(2)(c)	The ability to tie DPSST OCA to a certification rather than an employing agency would eliminate the need for multiple sets of fingerprint submissions when officers transfer agencies, etc. The idea of a voluntary repository for the private security, private investigator and polygraph examiners would eliminate the need for those who elect to the participate from submitting new prints at the time of renewal (every two years).
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Oregon Racing Commission
(2)(a)	The fingerprint equipment used is an interactive laptop & electronic fingerprint scanner obtained from Cross Match Technologies. Operator signs onto laptop, starts a new file, & enters applicant's required personal information. All fingerprints are captured on the fingerprint scanner. The fingerprint record is then locked/saved & transmitted to Oregon State Police in Salem, Oregon for processing.
(2)(b)	For identity verification, When equivalent verifying information is not available through other means, Oregon criminal background check
(2)(c)	The record list on the fingerprint laptop may be checked by the operator to verify the applicant has not already been fingerprinted. Also, a written record may be kept in the separate agency data base, which contains all current & past (expired) applicant records, to note date fingerprints were obtained.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Oregon Real Estate Agency
(2)(a)	In early 2011, the Agency entered into a contract with a company called PSI to develop and administer real estate examinations for applicants and to capture electronic fingerprints for the background checks of applicants. PSI sub-contracts with a company called Morphotrust. When an applicant takes their examination, the proctor also captures the digital fingerprints of applicants at the test site. The data is sent to OSP and we are able to print the background checks a day or two later. As with the examination fee, the applicant pays both the background check fee and fingerprint service fee directly to PSI. The Agency eliminated this "pass through revenue" from its budget when the contract was issued. We have modified the appropriate rules and statutes and this arrangement has been working extremely well for both the Agency and licensees.
(2)(b)	Statutorily required criminal background check. A background check is conducted to ensure consumers of real estate in Oregon are protected.
(2)(c)	Real estate license applicants only have a background check requirement upon initial licensure. It's a one-time requirement, unless their license lapses and they reapply at a later date. A license can be expired for one year without any action before lapsing. If a licensed broker applies for a principal broker's license, another background check is not required. A background check expires after one-year. This means a license applicant must obtain a license within one year after completing/passing a background check.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Department of Revenue
(2)(a)	Fingerprinting is required upon initial hire and for promotions on candidates who fit the criteria of four categories. The four categories are as follows: 1. Candidate has lived outside of Oregon for 60 or more days in a row during the past three years. 2. Candidate will be working in Finance. 3. Candidate will be working in Human Resources. 4. Candidate is Management Service/Executive Service. Currently, we issue a voucher to the candidate bases on the criteria above. The candidate reports to OSP to get the fingerprinting completed. The candidate then

	brings the completed card to Human Resources. Human Resources will either mail or hand deliver the fingerprinted card to OSP for processing.
(2)(b)	When equivalent verifying information is not available through other means
(2)(c)	The Agency is always open to streamlining and efficiencies without losing the necessity to meet the needs based on the type of work the Agency performs.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Rogue Valley Youth for Christ
(2)(a)	For many years our staff members have fingerprinted new staff and volunteers using an ink pad to capture the prints on a standard fingerprint card.
(2)(b)	Criminal background checks for new staff and volunteers working with youth.
(2)(c)	Training staff to help ensure higher quality prints.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Secretary of State
(2)(a)	Applicants are sent to State Police for fingerprinting. Card is returned to agency and coded and re-sent to State Police. Results are received an about a week.
(2)(b)	Employment purposes
(2)(c)	In process of evaluating improvements and opportunities to reduce repetitive fingerprint capture with the implementation of the new Fieldprint, Inc. contract.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Board of Examiners for Speech-Language Pathology & Audiology
(2)(a)	We have implemented temporary rules to begin using fingerprints to support criminal background checks for our licensees. At its August 8th meeting, the Board approved making these temporary rules permanent, so the permanent rulemaking process is now underway. The actual implementation of the requirement for fingerprint-based background checks is planned for January 1st. We are working with Oregon State Police to develop appropriate procedures for fingerprint capture and for obtaining and handling the resulting LEDS and FBI reports. We are scheduled for training with FieldPrint representatives next Tuesday to learn about how to use this new mechanism for electronic capture. Unfortunately, we will also need to develop paper-based processes since as many as half of our applicants are from out of state, and will likely need or want to do their background checks before arriving in Oregon.
(2)(b)	Required by federal law or regulation, For identity verification
(2)(c)	Our Board licenses speech-language pathologists (SLPs), speech-language pathology assistants (SLPAs) and audiologists. Currently, many employers require fingerprint-based background checks for our licensees. These employers include public schools, skilled nursing facilities, and home health agencies. Public schools typically rely on checks performed by the Oregon Department of Education, and the health facilities rely on the Department of Human Services to perform these checks. Our licensees who are employed by other entities or are self-employed currently do not receive a check. By linking a background check to licensure, it may be that employers decide that they do not need to run their own checks. This is

	particularly likely with the implementation of the "clean box" process. By encouraging the use of FieldPrint, we expect to minimize repetitive fingerprint capture. Since this technology provides immediate feedback on the quality of the prints, the need to re-do prints will be rare.
Any Additional Information*	I would like to see the OSP expand its acceptance of FieldPrint-captured prints from out of state FieldPrint sites. This would allow us to rely totally or almost totally on electronic capture rather than paper-based processes. The e-capture is more cost-effective for the licensees and for our staff, and will facilitate quicker turnaround time on the background checks than a paper-based system.

Agency	Sunset Empire Transportation District
(2)(a)	The prospected employees for Sunset Empire Transportation District goes to the Clatsop County Sheriff's office and they (an officer there) do one fingerprint card. It is done the electronic way We run a brokerage, the 'Northwest Ride Center' which provides transportation for Medicaid clients. We contract with providers to do most of the rides. They have employees drivers) that work for them and they send their fingerprint cards to me. We are the ones who approve them to drive. Depending on what county they are from, they get their fingerprint cards done on their own. And send them to me. I send them in.
(2)(b)	Required by federal law or regulation
(2)(c)	We do not have an issue with this.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Teacher Standards and Practices Commission
(2)(a)	All applicants for licensure, charter school registry and candidates preparing to student teach in Oregon's schools are required to submit a fingerprint card: ORS 342.223 Criminal records check; effect of making false statement; appeal. (1) For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Teacher Standards and Practices Commission may require the fingerprints of: (a) A person who is applying for initial issuance of a license under ORS 342.120 to 342.430 as a teacher, administrator or personnel specialist if the person has not submitted to a criminal records check by the commission within the previous year. (b) A person who is applying for reinstatement of a license as a teacher, administrator or personnel specialist whose license has lapsed for at least three years. (c) A person who is applying for initial issuance of a certificate under ORS 342.475 as a school nurse. (d) A person who is registering with the commission for student teaching, practicum or internship as a teacher, administrator or personnel specialist, if the person has not submitted to a criminal records check by the commission within the previous three years for student teaching, practicum or internship as a teacher, administrator or personnel specialist. (e) A person who is applying for initial issuance of a registration as a public charter school teacher or administrator under ORS 342.125. Completed fingerprint cards are recorded into the applicant's TSPC file and forwarded to the Oregon State Police (OSP) for processing.
(2)(b)	Licensing, charter school registry and student teacher placement
(2)(c)	TSPC encourages applicants to seek agencies offering LiveScan services with the ability to print the image onto the card. We rely on the expertise of the OSP and FBI to accept or reject the prints.

Any Additional Information*	No, all the information has been provided in the previous questions
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Agency	Tillamook County Transportation District
(2)(a)	Applicants selected for pre-employment background checks are sent to DMV.
(2)(b)	Required by federal law or regulation
(2)(c)	We aren't aware of any steps to reduce repetitive fingerprint capture.
Any Additional Information*	What steps can we take to not be repetitive?

Agency	ODOT/DMV
(2)(a)	Not Applicable ~ Fingerprints are not captured for general applicant or employee background checks.
(2)(b)	N/A, fingerprints are not captured
(2)(c)	N/A
Any Additional Information*	State motor vehicle agencies are subject to the federal Real ID Act (2005) for driver license and ID card issuance. The federal law and regulations of the Department of Homeland Security require that states conduct name-based and fingerprint-based criminal history and employment eligibility checks on employees in covered positions or an alternative procedure approved by DHS (Section 37.45). Oregon does not comply with this provision of the federal law, but may in the future if all legal impediments and cost concerns are addressed. The driver licenses and ID cards of states that fail to comply may not be accepted for identity purpose at federal facilities and by TSA at airport security stations. This penalty will not be enforced before January 1, 2016. However, future enforcement is subject to DHS determination.

Agency	ODOT/Rail
(2)(a)	ODOT Rail will need to begin fingerprinting in order to gain access to the US DOT's Office of Security for the Federal Railroad Administration (FRA) SharePoint site. No process has been written or shared with the state agencies on how this will be captured at this time. We are awaiting more instructions on how to access the U.S. Office of Personnel Management's e-QIP web site to complete the security investigation form SF-85 on-line.
(2)(b)	Required by federal law or regulation
(2)(c)	We are waiting to receive instructions about obtaining fingerprints, which are a required part of the security investigation process.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	ODOT/Highway
(2)(a)	The Highway Division captures employee fingerprints for employees at the dispatch centers as a pre-employment check prior to allowing them access to the State Police LEDS system.
(2)(b)	For identity verification, Criminal Background screening
(2)(c)	Fingerprints are captured during the initial hiring phase and this step is not repeated.

Any Additional Information*	No, all the information has been provided in the previous questions
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Agency	Oregon State Treasury
(2)(a)	Currently in the process of implementing electronic fingerprint capture using the services of Fieldprint.
(2)(b)	Required by federal law or regulation
(2)(c)	Implementing electronic fingerprint processes.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	TriMet Human Resources
(2)(a)	Our current vendor, Fingerprinting Services and Investigations, comes on-site and completes fingerprints. For those candidates who are unable to come to our site for fingerprinting, they are directed to the office of Fingerprinting Services and Investigations.
(2)(b)	TriMet is required under Oregon State Statutes to fingerprint for background checks with Oregon State Police and FBI.
(2)(c)	We only fingerprint new hire candidates once.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Umatilla Tribal Police Department
(2)(a)	Fingerprints are for law enforcement employment, sex offender registration, and foster parent background checks.
(2)(b)	Required by federal law or regulation, For identity verification, law enforcement employment
(2)(c)	We use Cross Match Live Scan which records all prints captured, so we don't need to re-capture fingerprints unless there is a problem with the prints captured.
Any Additional Information*	No, all the information has been provided in the previous questions

Agency	Oregon Department of Veterans' Affairs
(2)(a)	The Oregon Department of Veterans' Affairs conducts fingerprint identification through the Oregon State Polices for employees - includes initial hires, promotions/demotions/lateral transfers - contractors, vendors or volunteers. The subject individual is directed to obtain a fingerprint card from the OSP Identification Services and return the card to the ODVA; the ODVA submits the card to the OSP for processing; results of the processing are communicated electronically to the ODVA through the LEDS system (the ODVA has a dedicated terminal for access to LEDS on-site in the Human Resources Office).
(2)(b)	Required by federal law or regulation, For identity verification
(2)(c)	The ODVA has not been successful in identifying ways to reduce repetitive fingerprint capture while still meeting statutory requirements and federal regulations.
Any Additional Information*	We would be happy to provide further details about the federal regulations requiring fingerprint-based criminal background checks if it would be helpful to this legislation.

Agency	Oregon Youth Authority
(2)(a)	<p>The Oregon Youth Authority (OYA) obtained two fingerprint capture devices through a grant from OSP for the purpose of fingerprinting youth during intake to our close-custody facilities (Hillcrest and Oak Creek). These devices have also been used to electronically capture and submit fingerprints for new employees and volunteers. Since January 2014, OYA transitioned from hard card fingerprinting to electronic fingerprinting. Public LiveScan Agencies were identified near each of our Facility locations and processes were set up to ensure the electronic capture and submission of fingerprints for all new employees and volunteers. In addition, prospective Foster Care families were also transitioned to utilizing electronic capture services from Public LiveScan Agencies. In July 2014, OYA purchased its own electronic fingerprint capture device due to the volume of fingerprints needed at our Central Office location (downtown Salem) and at the MacLaren Youth Correctional Facility (Woodburn).</p>
(2)(b)	<p>ORS and OAR require fingerprint based criminal record checks</p>
(2)(c)	<p>The Oregon Youth Authority requires a fingerprint based criminal records check upon hire for new employees, for new volunteers, and for new foster care families -- which should only occur once per subject individual. We then conduct annual computer based (LEDS) criminal records checks. By utilizing the electronic fingerprint process we hope to reduce the agency's rejection rate we experienced from OSP with using hard cards and thereby reducing repetitive fingerprint capture.</p>
Any Additional Information*	<p>No, all the information has been provided in the previous questions</p>

Section 3: Legislation and Reports Related to Improvements in Criminal Background Checks

[HB 4091](#) - During the 2012 legislative session, HB 4091 was crafted to direct the Department of Administrative Services to convene a workgroup to consider criminal background “checks” as a single state-wide system and evaluate for any potential improvements in:

- Timeliness of verification
- Cost
- Duplication of clearance

[HB 4091: Workgroup Report](#) – The report issued, in November 2012, includes a description of the workgroup that was formed, the approach taken, and presents the background, determinations and recommendations for next actions.

[HB 3168](#) – Passed in the 2013 Regular Session, this bill requires the Oregon Department of Administrative Services, in consultation with the Department of State Police, to adopt rules specifying “Categories of individuals” for use in fitness determinations for those who conduct fitness determinations under ORS 181.533 (4)(a) and 181.534 (11); or (B) and under ORS 181.537 (10)(c). It also allows the sharing of results of previously made fitness determinations. The specifics of the categories and how previously made fitness determinations will be used will be some of the efforts completed through the future efforts and completed through the rules making process.

[HB 3330](#) – Passed in the 2013 Regular Session, this bill requires applicable “use electronic fingerprint capture technology to take and submit a person’s fingerprints for purposes of conducting criminal background checks under ORS 181.533, 181.534 or 267.237 or for any other purpose authorized by law” as of January 1, 2014. It provide the ability to adopt by rule exemptions to the requirement. It also requires the Oregon Department of Administrative Services to develop a standard contract for the provision of electronic fingerprint capture and submission while also allowing agencies to purchase and use their own devices. It also requires these same governmental agencies to conduct a study related to their criminal background checks process and report the results of the study to the Legislative Assembly on or before October 1, 2014.

[HB 3331](#) – Passed in the 2013 Regular Session, this bill requires the State Police to establish a Voluntary Central Criminal Records Check Registry where they would register people who have no criminal history thus allowing agencies who opt in to the registry to check the registry in lieu of completing a new check. The registry would have an annual recheck. This too shall go through the rule making process to determine the process and any fees associated with setting up the Registry.