

DEPARTMENT OF HUMAN SERVICES
OAR 407-007-0041 Potentially Disqualifying Convictions

POTENTIALLY DISQUALIFYING CONVICTION LIST

- ❖ **FIVE YEAR CRIMES:** Two or more convictions of ORS 813.010, Driving under the Influence of Intoxicants (DUII), if they occur within five years from the date of the background check submission.
- ❖ **TEN YEAR CRIMES:** Conviction of any misdemeanor or felony not listed below are potentially disqualifying for 10 years from the date of the background check submission. This includes crimes that are convicted in another jurisdiction. Also includes attempt, solicitation or conspiracy to commit for any of these crimes.
- ❖ **PERMANENT REVIEW CRIMES:** Conviction for any crime listed below or substantial equivalent of any Oregon crime in other jurisdictions, is permanently potentially disqualifying and requires a weigh test regardless of the date of conviction. Also includes attempt, solicitation or conspiracy to commit for any of these crimes.

Abandonment of a child [ORS 163.535]
Aggravated animal abuse I [ORS 167.322]
Aggravated identity theft [ORS 165.803]
Aggravated murder [ORS 163.095]
Aggravated theft I [ORS 164.057]
Aggravated vehicular homicide [ORS 163.149]
Animal abuse I [ORS 167.320]
Arson I [ORS 164.325]
Assault I [ORS 163.185]
Assault II [ORS 163.175]
Assault III [ORS 163.165]
Burglary I [ORS 164.225]
Burglary II [ORS 164.215]
Buying or selling a person under 18 yrs. [ORS 163.537]
Child neglect I [ORS 163.547]
Coercion [ORS 163.275]
Compelling prostitution [ORS 167.017]
Computer crime [ORS 164.377]
Contributing to sex. delinquency of minor [ORS 163.435]
Criminal mistreatment I [ORS 163.205]
Criminal mistreatment II [ORS 163.200]
Criminal possession of a forged instrument I [ORS 165.022]
Criminal possession of a forgery device [ORS 165.032]
Criminally negligent homicide [ORS 163.145]

Drug Crimes:

All Manufacture or Delivery statutes [ORS 475.806 through ORS 475.904]
Application of controlled substance to the body [ORS 475.910]
Causing another person to ingest a controlled substance [ORS 475.908]
Penalties for distribution to minors [ORS 475.906]
Prohibited acts generally (regarding delivery and manufacture only) [ORS 475.752 (1) and (2)] [also includes 475.992 & 475.840]
Prohibited acts for registrants (with board of Pharmacy) [ORS 475.914]
Encouraging child sexual abuse I [ORS 163.684]
Encouraging child sexual abuse II [ORS 163.686]
Encouraging child sexual abuse III [ORS 163.687]
Forgery I [ORS 165.013]
Identity theft [ORS 165.800]
Incest with a child victim [ORS 163.525]
Invasion of personal privacy I [ORS 163.701]
Invasion of personal privacy II [ORS 163.700]
Kidnapping I [ORS 163.235]

Kidnapping II [ORS 163.225]
Luring a minor [ORS 167.057]
Manslaughter I [ORS 163.118]
Manslaughter II [ORS 163.125]
Murder [ORS 163.115]
Online sexual corruption of a child I (If the offender believed the child to be 5 years younger than the offender) [ORS 163.433]
Online sexual corruption of a child II (If the offender believed the child to be 5 years younger than the offender) [ORS 163.432]
Organized retail theft [ORS 164.098]
Paying for viewing child's sexual conduct [ORS 163A.005]
Poss. child sexually explicit materials I [ORS 163.688]
Poss. child sexually explicit materials II [ORS 163.689]
Private indecency [ORS 163.467]
Promoting prostitution [ORS 167.012]
Public indecency [ORS 163.465]
Purchasing sex with a minor (If the court designates as a sex crime or is a second or subsequent offense) [ORS 163.413]
Rape I [ORS 163.375]
Rape II [ORS 163.365]
Rape III [ORS 163.355]
Robbery I [ORS 164.415]
Robbery II [ORS 164.405]
Sexual abuse I [ORS 163.427]
Sexual abuse II [ORS 163.425]
Sexual abuse III [ORS 163.415]
Sexual assault of animal [ORS 167.333]
Sexual misconduct (the offender is at least age 18) [ORS 163.445]
Sodomy I [ORS 163.405]
Sodomy II [ORS 163.395]
Sodomy III [ORS 163.385]
Strangulation [ORS 163.187]
Subjecting person to invol. servitude I [ORS 163.264]
Subjecting person to invol. servitude II [ORS 163.263]
Theft I [ORS 164.055]
Theft of services [ORS 164.125]
Trafficking in persons [ORS 163.266]
Transporting child pornography into state [ORS 163A.005]
Unlawful sexual penetration I [ORS 163.411]
Unlawful sexual penetration II [ORS 163.408]
Using a child in sexual display [ORS 163.670]

DEPARTMENT OF HUMAN SERVICES
OAR 407-007-0050 Other Potentially Disqualifying Conditions

- ❖ **Potentially Disqualifying Conditions Related to Permanent Review Crimes:**
 - Outstanding warrants in any jurisdiction
 - Deferred sentences, conditional discharges, or participating in a diversion program
 - An unresolved arrest, charge or a pending indictment
 - Arrest in any jurisdiction as a fugitive from another state or a fugitive from justice for a permanent review crime that results in a potentially disqualifying conviction or condition.
 - Adjudication in a juvenile court in any jurisdiction with a finding that the subject individual was responsible for a permanent review crime that would result in a conviction if committed by an adult
 - A finding of “guilty except for insanity” in a crime

- ❖ **Potentially Disqualifying Conditions Related to 5-year/10-year/Permanent Review Crimes:**
 - Currently on probation, parole, or post-prison supervision for a potentially disqualifying conviction
 - A violation of post-prison supervision, parole, or probation in the past 5 years for a potentially disqualifying conviction

- ❖ **Other Potentially Disqualifying Conditions:**
 - Registration as sex offender in any jurisdiction
 - Potentially disqualifying abuse as determined from abuse investigation reports which have an outcome of founded or substantiated, and in which the subject individual is determined to have been responsible for the abuse
 - False statement is potentially disqualifying when all the following conditions are met:
 - In a background check request, an SI has submitted the answer, “No” to the question regarding whether the SI has criminal history;
 - DHS|OHA find potentially disqualifying criminal history in the criminal records check; and
 - The found potentially disqualifying criminal history occurred before the date of the SI’s submission.