

BACKGROUND CHECK UNIT
ORAR 407-007-041 & 407-007-0281 Potentially Disqualifying Convictions

POTENTIALLY DISQUALIFYING CONVICTION LIST

[Note that ALL crime convictions are permanent review crimes for the following request types:
CCA and Family First, Child Care Providers, & Clearinghouse]

- ❖ **FIVE YEAR CRIMES:** Two or more convictions of ORS 813.010 (Driving under the Influence of Intoxicants (DUII)) or 830.325 (Operating Boat while under Influence of Intoxicants (BUII)) or a misdemeanor conviction under a law in any jurisdiction that imposes criminal penalties for operating a vehicle or boat while under the influences of intoxicants, if they both occur within five years from the date of the background check submission.
- ❖ **TEN YEAR CRIMES:** Conviction of any misdemeanor or felony, in any jurisdiction, not listed as 5-year or permanent are potentially disqualifying for 10 years from the date of the background check submission. 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. Also includes attempt, solicitation or conspiracy to commit for any of these crimes. Requires a weigh test regardless of the date of conviction, unless SI is subject to ORS 443.004; a conviction for these may make the SI ineligible.*

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/Delivery statutes & crimes [ORS Ch. 475]
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 for registrants (with Board of Pharmacy) [ORS 475.914]
NOTE: a conviction related to marijuana is not PDQ if the charge is no longer a criminal offense

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 I [ORS 163.107]
Murder II [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 407-007-050, 407-007-0445; OAR 407-007-0290 Potentially Disqualifying Conditions
[Clearinghouse has no potentially disqualifying conditions]

❖ **Potentially Disqualifying Conditions Related to Permanent Review Crimes:**

- Outstanding warrant in any jurisdiction
- Deferred sentence, conditional discharge, 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

Note: The following are not potentially disqualifying: any expunged or set aside convictions; violations or infractions.

❖ **Other Potentially Disqualifying Conditions:**

- Registration as sex offender in any jurisdiction
- Potentially disqualifying abuse as determined from abuse investigation reports held or received by the Oregon Department of Human Services or Oregon Health Authority, which have an outcome of founded or substantiated, and in which the subject individual is determined to have been responsible for the abuse. Your position may limit what founded or substantiated abuse is potentially disqualifying.**
- 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.

* Many provider subject individuals are seeking to work in positions subject to ORS 443.004. Public funds may not be used to directly or indirectly fund the employment of an individual with certain convictions. If your position is subject to ORS 443.004, the authorization and disclosure link when you enter ORCHARDS will have more details about ORS 443.004.

** Providers: see OAR 407-007-0290(11 & 13) for details of what is potentially disqualifying abuse for certain positions.

If a subject individual is subject to OAR 407-007-0445 (seeking employment or hired after 1/1/2018 at the Oregon Department of Human Services Stabilization and Crisis Unit (SACU), potentially disqualifying abuse may result in ineligibility. If your position is subject to OAR 407-007-0445, the authorization and disclosure link when you enter ORCHARDS will have more details about OAR 407-007-0445.