

## Criminal and Conduct Related Disqualifiers - EXAMPLES\*

Examples of Felony Criminal Conduct which are **mandatory** disqualifiers **if** four years has not passed since date of completion of court ordered obligations (felony charges are not limited to the crimes listed below and exclude MS11 crimes):

Escape in the First Degree  
Supplying Contraband  
Negligent Homicide  
Felony Domestic Assault  
Assault in the Third Degree  
Felony Strangulation  
Criminal Mistreatment  
Assaulting a Public Safety Officer  
Use of Stun Gun, Tear Gas, Mace  
Trafficking in Persons  
Coercion  
Felony Public Indecency  
Abandon Child  
Buying/Selling Custody of a Minor  
Child Neglect in the First Degree  
Stalking  
Violation of Court's Stalking Order  
Theft or Larceny by Extortion  
Grand Theft or Larceny  
Theft in the First Degree  
Fraud  
Forgery  
Burglary in the First Degree  
Robbery in the Third Degree  
Tree Spiking (Injury)  
Aggravated Harassment  
Abuse of Corpse  
Intimidation in the First Degree  
Unlawful Use of a Weapon  
Inmate In Possession of Weapon  
Felony Possession of a Hoax Destructive Device  
Unlawful Possession of Soft Body Armor  
Felony Animal Abuse  
Aggravated Animal Abuse  
Environmental Endangerment  
Causing Another to Ingest a Controlled Substance  
Unlawful Administration of a Controlled Substance  
Felony Maintaining Dangerous Dog  
Purchase or Sale of a Body Part for Transplantation or Therapy  
Alteration of a Document of Gift  
Subjecting Another Person to Involuntary Servitude  
Manufacturing or Delivering a Schedule IV Controlled Substance Thereby Causing Death to a Person

### Eligibility example:

Application was submitted to the Department on April 16, 2021. The applicant was convicted of felony Stalking on October 1, 2017 and ordered to complete two years of probation. The probation expired on October 1, 2019. Four years past the date of completion = October 1, 2021. The applicant is not eligible for certification until after October 1, 2021.

### Traffic related felonies:

Aggravated Vehicular Homicide  
Aggravated Driving While Suspended or Revoked  
Hit and Run Vehicle/Failure to Perform the Duties of a Driver (Injury)  
Felony Driving Under the Influence of Intoxicants

### These felony level crimes **may** require registration as a sex offender and would then be mandatory disqualifiers:

Purchasing Sex With a Minor  
Luring a Minor  
Online Sexual Corruption of a Child in the First Degree  
Encouraging Child Sex Abuse in the First and Second Degree  
Possession of Material Depicting Sexually Explicit Conduct of Child  
Unlawful Contact with a Child  
Custodial Sexual Misconduct in the First Degree  
Rape in the Third Degree  
Sodomy in the Third Degree  
Sexual Abuse in the Second Degree  
Female Genital Mutilation  
Trafficking in Persons  
Incest  
Promoting Prostitution

**Mandatory disqualifiers for Armed Certification (Pursuant to Federal Guidelines):**

- Active protective, stalking or restraining orders
- Any felony conviction
- Any Domestic Violence related conviction
- Any Drug conviction (to include all crime levels –violation, misdemeanor, felony and DUII Controlled Substance)
- Commitment to State Hospital for mental health
- Dishonorable Discharge from military
- Active Warrant
- Felony pre-trial release
- Renounced US Citizenship
- Illegal Alien
- Any prohibition to purchase or possess firearms

**MS11 Convictions are mandatory disqualifiers if ten years has not passed since the date of completion of court ordered obligations (probation and post-prison supervision).**

**ORS 137.700 Felony Convictions (Measure 11 Crimes):**

- Aggravated, Attempt or Conspiracy to Commit Murder
- Murder in the second degree
- Murder in the first degree
- Manslaughter in the First Degree
- Manslaughter in the Second Degree
- Aggravated Vehicular Homicide
- Assault in the Second Degree
- Assault in the First Degree
- Kidnapping in the Second Degree
- Kidnapping in the First Degree
- Rape in the Second Degree
- Rape in the First Degree
- Sodomy in the Second Degree
- Sodomy in the First Degree
- Sexual Penetration in the Second Degree
- Sexual Penetration in the First Degree
- Sexual Abuse in the First Degree
- Using a Child in a Display of Sexually Explicit Conduct
- Arson in the First Degree
- Robbery in the Second Degree
- Robbery in the First Degree
- Armed Robbery
- Compelling Prostitution

**Eligibility example:**

Application was submitted to the Department on April 16, 2021.

The applicant was convicted of Robbery in the First Degree on October 1, 1997 and ordered to complete a 15 year prison sentence plus three years of post-prison supervision (total of 18 years).

The court ordered obligations were completed on October 1, 2015. Ten years past the date of completion = October 1, 2025. The applicant is not eligible for certification until after October 1, 2025.

## Examples of Discretionary Misdemeanor Level Crimes or Conduct\*

Criminal misdemeanor level misconduct is not limited to the criminal *examples* below. The Department may review misconduct where no arrest or citation was issued and conduct which was not reported to a law enforcement agency. The Department may review any misconduct which involves dishonesty or deceit, a sexual offense or sexual misconduct, destruction of property, violence, abuse or neglect of a person or animal, harassment, stalking, bullying, intimidation, intentional or reckless harm, threatening behavior and illegal drug misconduct within the past four to ten years depending on certification/licensure level or conduct which occurred while certified/licensed. Review of criminal misconduct does not require a conviction or formal charges to be filed. The *conduct* may still be reviewed if the charge was dismissed or otherwise discharged.

### Conduct or crimes involving Dishonesty or Deceit:

|  |   |
|--|---|
| Theft in the Second and Third Degree, Petty Theft, Petit Larceny, Fraud, Shoplifting | Criminal Possession of Rented or Leased Personal Property |
| Falsification of application to purchase firearm                                     | Possession of Burglar's Tools                             |
| False Swearing   | Criminal Trespass   |
| False Information Transfer of Firearm  | Giving False Information to a Police Officer/Traffic      |
| Unsworn Falsification  | Fleeing or Attempting to Elude Police Officer             |
| Escape   | Computer Crime  |
| Obstructing Governmental or Judicial Administration                                  | Forgery misdemeanor                                       |
| Interfering with a Peace Officer   | Fraudulent Use of a Credit Card                           |
| Tampering with Physical Evidence   | Negotiating a Bad Check                                   |
| Criminal Impersonation   | Improper Use of Emergency Reporting System                |
| Possession of a False Law Enforcement Identification Card                            | Interfering with Public Transportation                    |
| Initiating a False Report  | Giving False Information to Police Officer for a Citation |
| Embezzlement   | Tampering with a Witness                                  |
| Theft of Services  | Wildlife Violations                                       |

### Conduct or crimes involving sexual offenses \*not requiring registration as a sex offender:

Sexual Abuse  
Custodial Sexual misconduct in the Second Degree  
Public Indecency/exposure of sexual body parts  
Private Indecency  
Encouraging Child Sex Abuse  
Invasion of Personal Privacy  
Furnishing Sexually Explicit Material to a Child  
Harassment -Offensive Sexual Contact  
Official Misconduct  
Contributing to the Sexual Delinquency of a Minor  
Prostitution  
Sadomasochistic Abuse or Sexual Conduct in a Live Show  
Exhibiting an Obscene Performance to a Minor  
Displaying Obscene Material to Minors

**Conduct or crimes involving a drug offense or destruction of property:**

DUI for controlled substance  
Unlawful Administration of a Controlled Substance  
Endanger Welfare of Minor  
Reckless Burning  
Possession of Controlled Substance  
Manufacture of Controlled Substance  
Distribution of Controlled Substance  
Criminal Mischief  
Adult Using Minor in Commission of Controlled Substance Offense

**Conduct or crimes involving violence, abuse or neglect against a person or animal:**

Any crime or conduct involving domestic violence  
Assault  
Strangulation  
Menacing  
Recklessly Endangering Another  
Criminal Mistreatment  
Use of Stun Gun, Tear Gas, Mace  
Harassment  
Child Neglect  
Unlawfully Directing a Laser Pointer  
Stalking  
Violating Court's Stalking Order  
Interfering with Making a Police Report  
Intimidation  
Maintaining Dangerous Dog (relating to animal causing physical injury to a person or property)  
Misdemeanor Possession of a Hoax Destructive Device (Relates to threats of harm)  
Animal Abuse  
Animal Neglect  
Providing Liquor to a Person Under 21 or Intoxicated Person  
Resisting Arrest  
Interfering with Police Animal  
Wildlife Violations

**Conduct or crimes involving Illegal use of a deadly weapon:**

Carrying of Concealed Weapons  
Unlawful Possession of Firearms  
Unlawful Possession of Armor Piercing Ammunition  
Unlawful Purchase of Firearm  
Criminal Trespass while in Possession of a Firearm

**\*All the information contained in this document has been produced as examples of criminal misconduct and does not necessarily represents the Department's process nor does it represent all conduct or crimes reviewed by the Department.**