

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 was ordered to complete two years of probation. The probation expired on October 1, 2019. Four years past the date of completion = October 1, 2023. The applicant is not eligible for certification until after October 1, 2023.

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.**