

## 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  
Falsification of application to purchase firearm  
False Swearing  
False Information Transfer of Firearm  
Unsworn Falsification  
Escape  
Obstructing Governmental or Judicial Administration  
Interfering with a Peace Officer  
Tampering with Physical Evidence  
Criminal Impersonation  
Possession of a False Law Enforcement Identification Card  
Initiating a False Report  
Embezzlement  
Theft of Services

Criminal Possession of Rented or Leased Personal Property  
Possession of Burglar's Tools  
Criminal Trespass  
Giving False Information to a Police Officer/Traffic  
Fleeing or Attempting to Elude Police Officer  
Computer Crime  
Forgery misdemeanor  
Fraudulent Use of a Credit Card  
Negotiating a Bad Check  
Improper Use of Emergency Reporting System  
Interfering with Public Transportation  
Giving False Information to Police Officer for a Citation  
Tampering with a Witness  
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.**