

Oregon Health Authority – Public Health Division
ORS 443.004 Crimes

A home health or in-home care agency shall conduct a criminal background check before hiring or contracting with an individual and before allowing an individual to volunteer to provide services on behalf of the agency, if the individual will have direct contact with a patient or client of the agency. The background check must be conducted in accordance with rules established by the Oregon Health Authority, Public Health Division ([OAR 333-536-0093](#)).

PERMANENT INELIGIBILITY - If a background check conducted by an agency reveals that the individual who is subject to the background check has been convicted of any of the following crimes (or attempt, conspiracy or solicitation for any of the crimes), the agency may not employ the individual or allow an individual to volunteer to provide services. [Please see page 2 for additional information.]

ORS 163.095	Aggravated Murder	ORS 165.013	Forgery I
ORS 163.115	Murder	ORS 165.022	Criminal possession of a forged instrument I
ORS 163.118	Manslaughter I	ORS 165.032	Criminal possession of a forgery device
ORS 163.125	Manslaughter II	ORS 165.800	Identity Theft
ORS 163.145	Criminally negligent homicide	ORS 165.803	Aggravated identity theft
ORS 163.149	Aggravated vehicular homicide	ORS 167.012	Promoting prostitution
ORS 163.165	Assault III	ORS 167.017	Compelling prostitution
ORS 163.175	Assault II	ORS 167.057	Luring a minor
ORS 163.185	Assault I	ORS 167.320	Animal abuse I
ORS 163.187	Strangulation	ORS 167.322	Aggravated animal abuse I
ORS 163.200	Criminal mistreatment II	Sex Crimes	
ORS 163.205	Criminal mistreatment I	ORS 163.355	Rape III
ORS 163.225	Kidnapping II	ORS 163.365	Rape II
ORS 163.235	Kidnapping I	ORS 163.375	Rape I
ORS 163.263	Subjecting person to involuntary servitude II	ORS 163.385	Sodomy III
ORS 163.264	Subjecting person to involuntary servitude I	ORS 163.395	Sodomy II
ORS 163.266	Trafficking in persons	ORS 163.405	Sodomy I
ORS 163.275	Coercion	ORS 163.408	Unlawful sexual penetration II
ORS 163.465	Public indecency †	ORS 163.411	Unlawful sexual penetration I
ORS 163.467	Private indecency †	ORS 163.413	Purchasing sex with a minor*
ORS 163.535	Abandonment of a child	ORS 163.415	Sexual Abuse III
ORS 163.537	Buying or selling a person under 18 years of age	ORS 163.425	Sexual Abuse II
ORS 163.547	Child neglect I	ORS 163.427	Sexual Abuse I
ORS 163.689	Possession of materials depicting sexually explicit conduct of a child II	ORS 163.432	Online sexual corruption of a child II*
ORS 163.700	Invasion of personal privacy II †	ORS 163.433	Online sexual corruption of a child I*
ORS 163.701	Invasion of personal privacy I †	ORS 163.435	Contributing to the sexual delinquency of a minor
ORS 164.055	Theft I †	ORS 163.445	Sexual misconduct*
ORS 164.057	Aggravated Theft I	ORS 163.525	Incest with a child victim
ORS 164.098	Organized retail theft	ORS 163.670	Using a child in display of sexually explicit conduct
ORS 164.125 (5)(c) or (5)(d)	Theft of services †	ORS 163.680	Paying for viewing child's sexual conduct
ORS 164.215	Burglary II	ORS 163.684	Encouraging child sexual abuse I
ORS 164.225	Burglary I	ORS 163.686	Encouraging child sexual abuse II
ORS 164.325	Arson I	ORS 163.687	Encouraging child sexual abuse III
ORS 164.377 (2) or (3)	Computer crime †	ORS 163.688	Poss. child sexually explicit materials I
ORS 164.405	Robbery II	ORS 167.333	Sexual assault of animal
ORS 164.415	Robbery I	ALSO:	Transporting child pornography into state
	Drug Crimes †		

*** ADDITIONAL DETAILS FOR SEX CRIMES PURSUANT TO ORS 163A.005:**

- Purchasing sex with a minor if the court designates the offense as a sex crime pursuant to ORS 163.413(3)(d), or the offense is the defendant's second or subsequent conviction under ORS 163.413(3)(b)(B)
- Online sexual corruption of a child in any degree if the offender reasonably believed the child to be more than five years younger than the offender
- Sexual misconduct if the offender is at least 18 years of age

‡ **FIVE YEAR CRIMES:** An individual is not eligible for hire, contracting with, or allowed to volunteer for any conviction under ORS 163.465, 163.467, 163.700, 163.701, 164.055, 164.125 or 164.377 within 5 years immediately preceding employment.

‡ **TEN YEAR CRIMES:** An individual is not eligible for hire, contracting with, or allowed to volunteer for any conviction involving the delivery or manufacture of a controlled substance (or attempt, conspiracy or solicitation for these crimes) in the past 10 years.

References:

ORS chapter 443 - https://www.oregonlegislature.gov/bills_laws/ors/ors443.html
ORS chapter 163 - https://www.oregonlegislature.gov/bills_laws/ors/ors163.html
ORS chapter 163A - https://www.oregonlegislature.gov/bills_laws/ors/ors163A.html
ORS chapter 164 - https://www.oregonlegislature.gov/bills_laws/ors/ors164.html
ORS chapter 165 - https://www.oregonlegislature.gov/bills_laws/ors/ors165.html
ORS chapter 167 - https://www.oregonlegislature.gov/bills_laws/ors/ors167.html