

# Senate Bill 703

Sponsored by Senator CARTER; Representatives HANSEN, SHIELDS (at the request of LOTUS: Liberating Ourselves through Understanding Sexploitation Inc.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Permits issuance of teaching, personnel service or administrative license or registration to person convicted of prostitution who meets certain requirements. Allows school district to employ or contract with person convicted of prostitution if person meets certain requirements.

## A BILL FOR AN ACT

1  
2 Relating to prostitution; amending ORS 326.603 and 342.143.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 342.143 is amended to read:

5 342.143. (1) [No] **The Teacher Standards and Practices Commission may not issue a** teach-  
6 ing, personnel service or administrative license [*shall be issued*] to any person until the person has  
7 attained the age of 18 years and has furnished satisfactory evidence of proper educational training.

8 (2) The [*Teacher Standards and Practices*] commission may also require an applicant for a  
9 teaching, personnel service or administrative license to furnish evidence satisfactory to the com-  
10 mission of good moral character, mental and physical health, and such other evidence as it may  
11 deem necessary to establish the applicant's fitness to serve as a teacher.

12 (3) Without limiting the powers of the [*Teacher Standards and Practices*] commission under  
13 subsection (2) of this section and notwithstanding ORS 670.280:

14 (a) [No] **A** teaching, personnel service or administrative license or registration as a public  
15 charter school teacher [*shall*] **may not** be issued to any person who:

16 (A) Has been convicted of a crime listed in ORS 163.095, 163.115, 163.185, 163.235, 163.355,  
17 163.365, 163.375, 163.385, 163.395, 163.405, 163.408, 163.411, 163.415, 163.425, 163.427, 163.435, 163.445,  
18 163.465, 163.515, 163.525, 163.547, 163.575, 163.670, 163.675 (1985 Replacement Part), 163.680 (1993  
19 Edition), 163.684, 163.686, 163.687, 163.688, 163.689, 164.325, 164.415, 166.005, 166.087, 167.007, 167.012,  
20 167.017, 167.062, 167.065, 167.070, 167.075, 167.080, 167.087, 167.090, 475.995 or 475.999;

21 (B) Has been convicted under ORS 161.405 of an attempt to commit any of the crimes listed in  
22 subparagraph (A) of this paragraph; or

23 (C) Has been convicted in another jurisdiction of a crime that is substantially equivalent, as  
24 defined by **commission** rule, to any of the crimes listed in subparagraphs (A) and (B) of this para-  
25 graph.

26 (b) The [*Teacher Standards and Practices*] commission may refuse to issue a license or registra-  
27 tion to any person who has been convicted of a crime involving the illegal use, sale or possession  
28 of controlled substances.

29 (4) In denying the issuance of a license or registration under this section, the commission shall  
30 follow the procedure set forth in ORS 342.176 and 342.177.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 (5) The Department of Education shall provide school districts and public charter schools a copy  
2 of the list contained in subsection (3) of this section.

3 (6) **Notwithstanding subsection (3) of this section, a person who has been convicted of a**  
4 **crime under ORS 167.007, convicted of an attempt to commit a crime under ORS 167.007 or**  
5 **convicted in another jurisdiction of a crime that is substantially equivalent, as defined by**  
6 **commission rule, to a crime under ORS 167.007 may be issued a license or registration if:**

7 (a) **At least three years have elapsed since the conviction; and**

8 (b) **The person has not been convicted of any crime punishable by imprisonment for a**  
9 **term of one year or more.**

10 **SECTION 2.** ORS 326.603 is amended to read:

11 326.603. (1)(a) A school district shall send to the Department of Education for purposes of a  
12 criminal records check any information, including fingerprints, for each subject individual described  
13 in ORS 181.539 (5)(d)(D), (E), (F), (H) or (I).

14 (b) A private school may send to the Department of Education for purposes of a criminal records  
15 check any information, including fingerprints, for each subject individual described in ORS 181.539  
16 (5)(d)(D), (E), (F) or (H).

17 (2) The Department of Education shall request criminal offender information from the Depart-  
18 ment of State Police in the manner required by ORS 181.539 and shall charge the district or private  
19 school a fee of \$42 for the cost of acquiring and furnishing the information described in ORS 181.525  
20 and 181.539. The school district or private school may recover its costs or a portion thereof from  
21 the subject individual described in ORS 181.539 (5)(d)(D), (E), (F), (H) or (I). If the subject individual  
22 described in ORS 181.539 (5)(d)(E), (F) or (I) requests, the district shall and a private school may  
23 withhold the amount from amounts otherwise due the **subject** individual, including a periodic pay-  
24 roll deduction rather than a lump sum payment.

25 (3)(a) **Except as provided in subsection (7) of this section,** if the Superintendent of Public  
26 Instruction informs the school district that the subject individual has been convicted of a crime  
27 listed in ORS 342.143 or has made a false statement as to the conviction of a crime, the super-  
28 intendent shall notify the school district of the fact and the district *[shall]* **may** not employ or con-  
29 tract with the **subject** individual. Notification by the superintendent that the school district *[shall]*  
30 **may** not employ or contract with the subject individual shall remove the **subject** individual from  
31 any school district policies, collective bargaining provisions regarding dismissal procedures and ap-  
32 peals and the provisions of ORS 342.805 to 342.937.

33 (b) The Superintendent of Public Instruction shall notify the private school if the subject indi-  
34 vidual has been convicted of a crime listed in ORS 342.143 or has made a false statement as to the  
35 conviction of a crime. Based on the notice, the private school may choose not to employ or contract  
36 with the **subject** individual.

37 (c) The criminal records *[are confidential and shall not be released]* **may not be disclosed** to the  
38 district or private school but are subject to inspection by the subject individual. The subject indi-  
39 vidual, other than a subject individual in a private school, may appeal the determination as a con-  
40 tested case under ORS 183.413 to 183.470 and the superintendent shall notify the subject individual  
41 of the right to appeal the determination.

42 (4) If *[an]* **a subject** individual described in subsection (1) of this section refuses to consent to  
43 the criminal records check or refuses to be fingerprinted or if the subject individual falsely swears  
44 to the nonconviction of a crime, the district shall terminate the employment or contract status of  
45 the **subject** individual. Termination under this subsection shall remove the **subject** individual from

1 any school district policies, collective bargaining provisions regarding dismissal procedures and ap-  
2 peals and the provisions of ORS 342.805 to 342.937.

3 (5) The State Board of Education by rule shall specify the information to be required by sub-  
4 section (1) of this section.

5 (6)(a) **Except as provided in subsection (7) of this section,** a school district [*shall*] **may** not  
6 hire or continue to employ or contract with or allow the contractor to continue to assign [*an*] **a**  
7 **subject** individual to the school project if the **subject** individual described in subsection (1) of this  
8 section has been convicted of a crime according to the provisions of ORS 342.143.

9 (b) School district employment and contract forms shall contain a notice that employment or  
10 contracting is subject to fingerprinting and a criminal records check as required by ORS 181.525,  
11 181.537, 181.539, 326.603, 342.223, 342.227 and 342.232.

12 **(7) A school district may employ or contract with a subject individual who has been**  
13 **convicted of a crime under ORS 167.007, convicted of an attempt to commit a crime under**  
14 **ORS 167.007 or convicted in another jurisdiction of a crime that is substantially equivalent,**  
15 **as defined by commission rule, to a crime under ORS 167.007 if:**

16 (a) **At least seven years have elapsed since the conviction; and**

17 (b) **The subject individual has not been convicted of any crime since the conviction.**

18 [(7)] **(8) As used in this section and ORS 326.607:**

19 (a) "Private school" means a school that provides educational services as defined in ORS 345.505  
20 and is registered as a private school under ORS 345.505 to 345.575.

21 (b) "School district" means:

22 (A) A school district as defined in ORS 330.003.

23 (B) The Oregon State School for the Blind.

24 (C) The Oregon State School for the Deaf.

25 (D) An educational program under the Youth Corrections Education Program.

26 (E) A public charter school as defined in ORS 338.005.

27 (F) An education service district.

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