

DEPARTMENT OF HUMAN SERVICES
Aging & People with Disabilities and Developmental Disabilities
ORS 443.004/OAR 407-007-0275 Crimes

Public funds may not be used to support, in whole or in part, the employment in any capacity of an individual having contact with a recipient of home health or in-home care agency services, or support services (DD services; homecare workers, etc.); or contact with a resident of a residential care facility, assisted living facility, or an adult foster home, who has any of the following convictions.

Employees hired prior to July 28, 2009 are exempt from ORS 443.004 provided that the employee remains in the same employer. In new legislation in 2019, ORS 443.004 has been updated to allow these "grandfathered" employees to move to different positions with this same employer. This exemption is not applicable to licensees (e.g., adult foster home providers).

If the individual has been convicted of any of the crimes listed below (or **attempt, conspiracy, or solicitation** for any of the crimes), THE INDIVIDUAL IS NOT ELIGIBLE FOR THE POSITION and there are no hearing rights with BCU.

- **FIVE YEAR CRIMES:** Regarding care for vulnerable individuals 65 years or older. If the individual is exclusively caring for individuals who are 65 years or older, the crimes in the list below *in underlined italics* make the individual ineligible for five years from the date of conviction. Thereafter, the conviction would be considered a permanent review crime subject to a weighing test. [If the client is under 65, the crime is PERMANENTLY INELIGIBLE for SIs subject to ORS 443.004/OAR407-007-0275.]
- **TEN YEAR CRIMES:** Certain Drug Crimes. If the individual has a conviction for a crime involving the delivery/selling of drugs or manufacture/making drugs (or attempt, conspiracy, or solicitation for these types of crimes) in the past 10 years.
- **PERMANENT CRIMES:** The following crimes involve violence, harm to vulnerable individuals, serious theft, and sex crimes (defined in ORS 163A.005). A conviction of one of these crimes would make an individual permanently ineligible (unless as noted above in Five Year Crimes).

ORS 163.095, Aggravated murder	<u>ORS 164.377, Computer crime</u>
ORS 163.115, Murder	ORS 164.405, Robbery II
ORS 163.118, Manslaughter I	ORS 164.415, Robbery I
ORS 163.125, Manslaughter II	ORS 165.013, Forgery I
ORS 163.145, Criminally negligent homicide	ORS 165.022, Criminal possession of a forged instrument I
ORS 163.149, Aggravated vehicular homicide	ORS 165.032, Criminal possession of a forgery device
ORS 163.165, Assault III	ORS 165.800, Identity theft
ORS 163.175, Assault II	ORS 165.803, Aggravated identity theft
ORS 163.185, Assault I	ORS 167.012, Promoting prostitution
ORS 163.187, Strangulation	ORS 167.017, Compelling prostitution
ORS 163.200, Criminal mistreatment II	ORS 167.057, Luring a minor
ORS 163.205, Criminal mistreatment I	ORS 167.320, Animal abuse I
ORS 163.225, Kidnapping II	ORS 167.322, Aggravated animal abuse I
ORS 163.235, Kidnapping I	Sex Crimes (*see details in ORS 163A.005):
ORS 163.263, Subjecting person to invol. servitude II	ORS 163.355, Rape III
ORS 163.264, Subjecting person to invol. servitude I	ORS 163.365, Rape II
ORS 163.266, Trafficking in persons	ORS 163.375, Rape I
ORS 163.275, Coercion	ORS 163.385, Sodomy III
<u>ORS 163.465, Public indecency</u> (remains permanent if there is prior conviction of a sex crime listed in ORS 163A.005)	ORS 163.395, Sodomy II
<u>ORS 163.467, Private indecency</u> (however, remains permanent if there is prior conviction of a sex crime listed in ORS 163A.005)	ORS 163.405, Sodomy I
ORS 163.535, Abandonment of a child	ORS 163.408, Unlawful sexual penetration II
ORS 163.537, Buying or selling a person under 18 yrs.	ORS 163.411, Unlawful sexual penetration I
ORS 163.547, Child neglect I	ORS 163.413 Purchasing sex with a minor*
ORS 163.689, Possession of materials depicting sexually explicit conduct of a child II	ORS 163.415, Sexual abuse III
<u>ORS 163.700, Invasion of personal privacy II</u>	ORS 163.425, Sexual abuse II
<u>ORS 163.701 Invasion of personal privacy I</u>	ORS 163.427, Sexual abuse I
<u>ORS 164.055, Theft I</u>	ORS 163.432, Online sexual corruption of a child II*
ORS 164.057, Aggravated theft I	ORS 163.433, Online sexual corruption of a child I*
ORS 164.098, Organized retail theft	ORS 163.435, Contributing to sex. delinquency of minor
ORS 164.125, Theft of services, if convicted as felony	ORS 163.445, Sexual misconduct*
<u>ORS 164.125, Theft of services</u>	ORS 163.525, Incest with a child victim
ORS 164.215, Burglary II	ORS 163.670, Using a child in sexual display
ORS 164.225, Burglary I	ORS 163.680, Paying for viewing child's sexual conduct
ORS 164.325, Arson I	ORS 163.684, Encouraging child sexual abuse I
ORS 164.377, Computer crime, if convicted of felony	ORS 163.686, Encouraging child sexual abuse II
	ORS 163.687, Encouraging child sexual abuse III
	ORS 163.688, Poss. child sexually explicit materials I
	ORS 167.333 Sexual assault of animal
	Also: Transporting child pornography into state