

Subject to ORS 443.004 MH and APD, DD EFF: 4/13/12	Criminal Background Check		
	Effective 4/13/2012	Potentially Disqualifying Crimes & Conditions	# of years disqualified
	OAR 407-007- 0280(1)	Permanently Reviewed Crimes	
	ORS 162.155	Escape II	Permanent
	ORS 162.165	Escape I	Permanent
	ORS 162.285	Tampering with a witness	Permanent
	ORS 162.325	Hindering prosecution	Permanent
	ORS 163.005	Criminal homicide	Permanent
ORS 443.004	ORS 163.095	Aggravated murder	Permanent
ORS 443.004	ORS 163.115	Murder	Permanent
ORS 443.004	ORS 163.118	Manslaughter I	Permanent
ORS 443.004	ORS 163.125	Manslaughter II	Permanent
ORS 443.004	ORS 163.145	Criminally negligent homicide	Permanent
ORS 443.004	ORS 163.149	Aggravated vehicular homicide	Permanent
	ORS 163.160	Assault IV	Permanent
ORS 443.004	ORS 163.165	Assault III	Permanent
ORS 443.004	ORS 163.175	Assault II	Permanent
ORS 443.004	ORS 163.185	Assault I	Permanent
ORS 443.004	ORS 163.187	Strangulation	Permanent
	ORS 163.190	Menacing	Permanent
ORS 443.004	ORS 163.200	Criminal mistreatment II	Permanent
ORS 443.004	ORS 163.205	Criminal mistreatment I	Permanent
	ORS 163.207	Female genital mutilation	Permanent
	ORS 163.208	Assault of a public safety officer	Permanent
	ORS 163.213	Unlawful use of an electrical stun gun, tear gas or mace I	Permanent
ORS 443.004	ORS 163.225	Kidnapping II	Permanent
ORS 443.004	ORS 163.235	Kidnapping I	Permanent
	ORS 163.245	Custodial interference II	Permanent
	ORS 163.257	Custodial interference I	Permanent
ORS 443.004	ORS 163.263	Subjecting another person to involuntary servitude in the second degree	Permanent
ORS 443.004	ORS 163.264	Subjecting another person to involuntary servitude in the first degree	Permanent

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	Effective 4/13/2012	<b>Portentially Disqualifying Crimes &amp; Conditions</b>	
	OAR 407-007- 0280(1)	<b>Permanently Reviewed Crimes</b>	<b># of years disqualified</b>
ORS 443.004	ORS 163.266	Trafficking in persons	Permanent
ORS 443.004	ORS 163.275	Coercion	Permanent
ORS 443.004	ORS 163.355	Rape III	Permanent
ORS 443.004	ORS 163.365	Rape II	Permanent
ORS 443.004	ORS 163.375	Rape I	Permanent
ORS 443.004	ORS 163.385	Sodomy III	Permanent
ORS 443.004	ORS 163.395	Sodomy II	Permanent
ORS 443.004	ORS 163.405	Sodomy I	Permanent
ORS 443.004	ORS 163.408	Unlawful Sexual penetration II	Permanent
ORS 443.004	ORS 163.411	Unlawful Sexual penetration I	Permanent
ORS 443.004	ORS 163.415	Sexual abuse III	Permanent
ORS 443.004	ORS 163.425	Sexual abuse II	Permanent
ORS 443.004	ORS 163.427	Sexual abuse I	Permanent
ORS 443.004- 5yrs younger	ORS 163.432	Online sexual corruption of a child in the second degree	Permanent
ORS 443.004- 5yrs younger	ORS 163.433	Online sexual corruption of a child in the first degree	Permanent
ORS 443.004	ORS 163.435	Contributing to the sexual delinquency of a minor	Permanent
ORS 443.004- 18yrs or older	ORS 163.445	Sexual misconduct	Permanent
	ORS 163.452	Custodial sexual misconduct I	Permanent
	ORS 163.454	Custodial sexual misconduct II	Permanent
ORS 443.004	ORS 163.465	Public indecency	Permanent
ORS 443.004	ORS 163.467	Private indecency	Permanent
	ORS 163.476	Unlawfully being in a location where children regularly congregate	Permanent
	ORS 163.479	Unlawful contact with a child	Permanent
	ORS 163.515	Bigamy	Permanent
ORS 443.004-Child victim	ORS 163.525	Incest	Permanent

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ORS 443.004	ORS 163.535	Abandonment of a child	Permanent
ORS 443.004	ORS 163.537	Buying or selling a person under 18 years of age	Permanent
	ORS 163.545	Child neglect II	Permanent
ORS 443.004	ORS 163.547	Child neglect I	Permanent
	ORS 163.555	Criminal nonsupport	Permanent
	ORS 163.575	Endangering the welfare of a minor	Permanent
ORS 443.004	ORS 163.670	Using child in display of sexually explicit conduct	Permanent
	ORS 163.680	Paying for viewing a child's sexually explicit conduct	Permanent
ORS 443.004	ORS 163.684	Encouraging child sexual abuse I	Permanent
ORS 443.004	ORS 163.686	Encouraging child sexual abuse II	Permanent
ORS 443.004	ORS 163.687	Encouraging child sexual abuse III	Permanent
ORS 443.004	ORS 163.688	Possession of materials depicting sexually explicit conduct of a child I	Permanent
ORS 443.004	ORS 163.689	Possession of materials depicting sexually explicit conduct of a child II	Permanent
	ORS 163.693	Failure to report child pornography	Permanent
ORS 443.004	ORS 163.700	Invasion of personal privacy	Permanent
	ORS 163.732	Stalking	Permanent
	ORS 163.750	Violating court's stalking protective order	Permanent
ORS 443.004	ORS 164.055	Theft I	Permanent
ORS 443.004	ORS 164.057	Aggravated theft I	Permanent
	ORS 164.075	Theft by extortion	Permanent
	ORS 164.085	Theft by deception	Permanent
ORS 443.004	ORS 164.098	Organized retail theft	Permanent
ORS 443.004-F	ORS 164.125	Theft of services	Permanent
	ORS 164.135	Unauthorized use of a vehicle	Permanent
	ORS 164.170	Laundering a monetary instrument	Permanent
ORS 443.004	ORS 164.215	Burglary II	Permanent
ORS 443.004	ORS 164.225	Burglary I	Permanent

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	OAR 407-007- 0280(1)	Permanently Reviewed Crimes	# of years disqualified
	ORS 164.315	Arson II	Permanent
ORS 443.004	ORS 164.325	Arson I	Permanent
	ORS 164.365	Criminal Mischief I	Permanent
ORS 443.004-F	ORS 164.377	Computer crime	Permanent
	ORS 164.395	Robbery III	Permanent
ORS 443.004	ORS 164.405	Robbery II	Permanent
ORS 443.004	ORS 164.415	Robbery I	Permanent
ORS 443.004	ORS 165.013	Forgery I	Permanent
ORS 443.004	ORS 165.022	Criminal possession of a forged instrument I	Permanent
ORS 443.004	ORS 165.032	Criminal possession of a forgery device	Permanent
	ORS 165.055	Fraudulent use of a credit card	Permanent
	ORS 165.065	Negotiating a bad check	Permanent
	ORS 165.581	Cellular counterfeiting I	Permanent
ORS 443.004	ORS 165.800	Identity theft	Permanent
ORS 443.004	ORS 165.803	Aggravated identity theft	Permanent
	ORS 165.810	Unlawful possession of a personal identification device	Permanent
	ORS 166.005	Treason	Permanent
	ORS 166.070	Aggravated Harassment	Permanent
	ORS 166.085	Abuse of corpse II	Permanent
	ORS 166.087	Abuse of corpse I	Permanent
	ORS 166.155	Intimidation II	Permanent
	ORS 166.165	Intimidation I	Permanent
	ORS 166.220	Unlawful use of weapon	Permanent
	ORS 166.270	Possession of weapons by certain felons	Permanent
	ORS 166.272	Unlawful possession of machine guns, certain short-barreled firearms and firearm silencers.	Permanent
	ORS 166.275	Possession of weapons by inmates of institutions	Permanent

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	OAR 407-007- 0280(1)	<b>Permanently Reviewed Crimes</b>	<b># of years disqualified</b>
	ORS 166.370	Possession of firearm or dangerous weapon in public building or court facility; exceptions; discharging firearm at school	Permanent
	ORS 166.382	Possession of destructive device prohibited	Permanent
	ORS 166.384	Unlawful manufacture of destructive device	Permanent
	ORS 166.429	Firearms used in felony	Permanent
	ORS 166.450	Obliteration or change of identification number on firearms	Permanent
	ORS 166.720	Racketeering activity unlawful	Permanent
ORS 443.004	ORS 167.012	Promoting prostitution	Permanent
ORS 443.004	ORS 167.017	Compelling prostitution	Permanent
	ORS 167.054	Furnishing sexually explicit material to a child (replaced 167.065)	Permanent
ORS 443.004	ORS 167.057	Luring a minor	Permanent
	ORS 167.062	Sadomasochistic abuse or sexual conduct in live show	Permanent
	ORS 167.075	Exhibiting an obscene performance to a minor	Permanent
	ORS 167.080	Displaying obscene materials to minors	Permanent
	ORS 167.212	Tampering with drug records	Permanent
	ORS 167.262	Adult using minor in commission of controlled substance offense	Permanent
	ORS 167.315	Animal abuse II	Permanent
ORS 443.004	ORS 167.320	Animal abuse I	Permanent
ORS 443.004	ORS 167.322	Aggravated animal abuse I	Permanent
	ORS 167.333	Sexual assault of animal	Permanent
	ORS 167.339	Assaulting law enforcement animal	Permanent
ORS 443.004	ORS 181.594	Sex crimes including transporting child pornography into the state	Permanent
	ORS 181.599	Failure to report as sex offender	Permanent
	ORS 433.010	Spreading disease (wilfully) prohibited	Permanent
	ORS 475.525	Sale of drug paraphernalia prohibited	Permanent
	ORS 475.805	Providing hypodermic device to minor prohibited	Permanent
ORS 443.004-10yr	ORS 475.840	Prohibited acts generally (regarding drug crimes; formerly ORS 475.992)	Permanent
ORS 443.004-10yr	ORS 475.846	Unlawful manufacture of heroin	Permanent

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	OAR 407-007- 0280(1)	Permanently Reviewed Crimes	# of years disqualified
ORS 443.004-10yr	ORS 475.848	Unlawful manufacture of heroin within 1000 feet of school	Permanent
ORS 443.004-10yr	ORS 475.850	Unlawful delivery of heroin	Permanent
ORS 443.004-10yr	ORS 475.852	Unlawful delivery of heroin within 1000 feet of school	Permanent
	ORS 475.854	Unlawful possession of heroin	Permanent
ORS 443.004-10yr	ORS 475.856	Unlawful manufacture of marijuana	Permanent
ORS 443.004-10yr	ORS 475.858	Unlawful manufacture of marijuana within 1000 feet of school	Permanent
ORS 443.004-10yr	ORS 475.860	Unlawful delivery of marijuana	Permanent
ORS 443.004-10yr	ORS 475.862	Unlawful delivery of marijuana within 1000 feet of school	Permanent
	ORS 475.864	Unlawful possession of marijuana	Permanent
ORS 443.004-10yr	ORS 475.866	Unlawful manufacture of 3,4-methylenedioxymethamphetamine	Permanent
ORS 443.004-10yr	ORS 475.868	Unlawful manufacture of 3, 4-methylenedioxymethamphetamine within 1000 feet of school	Permanent
ORS 443.004-10yr	ORS 475.870	Unlawful delivery of 3, 4-methylenedioxymethamphetamine	Permanent
ORS 443.004-10yr	ORS 475.872	Unlawful delivery of 3, 4-methylenedioxymethamphetamine within 1000 feet of school	Permanent
	ORS 475.874	Unlawful possession of 3, 4-methylenedioxymethamphetamine	Permanent
ORS 443.004-10yr	ORS 475.876	Unlawful manufacture of cocaine	Permanent
ORS 443.004-10yr	ORS 475.878	Unlawful manufacture of cocaine within 1000 feet of school	Permanent
ORS 443.004-10yr	ORS 475.880	Unlawful delivery of cocaine	Permanent
ORS 443.004-10yr	ORS 475.882	Unlawful delivery of cocaine within 1000 feet of school	Permanent
	ORS 475.884	Unlawful possession of cocaine	Permanent
ORS 443.004-10yr	ORS 475.886	Unlawful manufacture of methamphetamine	Permanent
ORS 443.004-10yr	ORS 475.888	Unlawful manufacture of methamphetamine within 1000 feet of school	Permanent
ORS 443.004-10yr	ORS 475.890	Unlawful delivery of methamphetamine	Permanent
ORS 443.004-10yr	ORS 475.892	Unlawful delivery of methamphetamine within 1000 feet of school	Permanent
	ORS 475.894	Unlawful possession of methamphetamine	Permanent
ORS 443.004-10yr	ORS 475.904	Unlawful delivery of controlled substance within 1000 feet of school	Permanent
ORS 443.004-10yr	ORS 475.906	Penalties for distribution to minors	Permanent

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	Effective 4/13/2012  OAR 407-007-0280(1)	Permanently Reviewed Crimes	# of years disqualified
ORS 443.004-10yr	ORS 475.908	Causing another person to ingest a controlled substance	Permanent
	ORS 475.910	Application of controlled substance to the body of another person	Permanent
ORS 443.004	ORS 475.914	Prohibited acts for registrants (with the Oregon State Board of Pharmacy; regarding felony crimes)	Permanent
	ORS 475.967	Possession of precursor substance with intent to manufacture controlled substance	Permanent
	ORS 475.990	Commercial drug offense (changed in 1977 to 475.900)	Permanent
	ORS 475.992	Prohibited acts generally (regarding drug crimes; renumbered to ORS 475.840 in 2005)	Permanent
	ORS 677.080	Prohibited acts (regarding the practice of medicine)	Permanent
	ORS 685.990	Penalties (pertaining to naturopathic medicine)	Permanent
	ORS 689.527	Prohibited practices; rules (pertaining to pharmacy technicians and practitioners)	Permanent
	*****	Any federal crime	Permanent
	*****	Any U.S. military crime	Permanent
	*****	Any unclassified felony defined in Oregon Revised Statutes not listed in this rule.	Permanent
	*****	Any other felony in Oregon Revised Statutes not listed in this rule that is serious and indicates behavior that poses a threat or jeopardizes the safety of vulnerable persons, as determined by the AD.	Permanent
ORS 443.004	*****	Any felony in a jurisdiction outside Oregon that is not the substantial equivalent of any of the Oregon crimes listed in this section but that is serious and indicates behavior that poses a threat or jeopardizes the safety of vulnerable persons, as determined by the AD	Permanent
ORS 443.004-A/C/S	*****	Any crime of attempt, solicitation or conspiracy to commit a crime listed in this section pursuant to ORS 161.405, 161.435, or 161.450, including any crime based on criminal liability for conduct of another pursuant to ORS 161.155.	Permanent
	*****	Any crime in any other jurisdiction that is the substantial equivalent of any of the Oregon crimes listed in section (1) of this rule as determined by the AD	Permanent
	*****	Any crime that is no longer codified in Oregon or other jurisdiction but that is the substantial equivalent of any of the crimes listed in section (1) of this rule as determined by the AD	Permanent

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	Effective 4/13/2012	Portentially Disqualifying Crimes & Conditions	
	OAR 407-007- 0280(1)	10 Year Review Convictions	# of years disqualified
	ORS 033.045	Contempt of court	Ten year
	ORS 109.311	Prohibited fees-adoption	Ten year
	ORS 133.076	Failure to appear on criminal citation	Ten year
	ORS 133.310	Violation of restraining order	Ten year
	ORS 135.290	Punishment by contempt of court (violation of release agreement)	Ten year
	ORS 162.015	Bribe giving	Ten year
	ORS 162.025	Bribe receiving	Ten year
	ORS 162.065	Perjury	Ten year
	ORS 162.075	False swearing	Ten year
	ORS 162.117	Public investment fraud	Ten year
	ORS 162.145	Escape III	Ten year
	ORS 162.175	Unauthorized departure	Ten year
	ORS 162.185	Supplying contraband	Ten year
	ORS 162.195	Failure to appear II	Ten year
	ORS 162.205	Failure to appear I	Ten year
	ORS 162.247	Interfering with a peace officer	Ten year
	ORS 162.257	Interfering with a firefighter or emergency medical technician	Ten year
	ORS 162.265	Bribing a witness	Ten year
	ORS 162.275	Bribe receiving by a witness	Ten year
	ORS 162.295	Tampering with physical evidence	Ten year
	ORS 162.305	Tampering with public records	Ten year
	ORS 162.315	Resisting arrest	Ten year
	ORS 162.335	Compounding	Ten year
	ORS 162.355	Simulating legal process	Ten year
	ORS 162.365	Criminal impersonation	Ten year
	ORS 162.367	Criminal impersonation of peace officer	Ten year
	ORS 162.369	Possession of false law enforcement identification card	Ten year

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	OAR 407-007- 0280(1)	10 Year Review Convictions	
	ORS 162.375	Initiating a false report	Ten year
	ORS 162.385	Giving false information to police officer for a citation	Ten year
	ORS 162.405	Official misconduct II	Ten year
	ORS 162.415	Official misconduct I	Ten year
	ORS 162.425	Misuse of confidential information	Ten year
	ORS 163.195	Recklessly endangering another person	Ten year
	ORS 163.196	Aggravated driving while suspended or revoked	Ten year
	ORS 163.212	Unlawful use of an electrical stun gun, tear gas or mace II	Ten year
	ORS 164.043	Theft III	Ten year
	ORS 164.045	Theft II	Ten year
	ORS 164.095	Theft by receiving	Ten year
	ORS 164.138	Criminal possession of a rented or leased motor vehicle	Ten year
	ORS 164.140	Criminal possession of rented or leased personal property	Ten year
	ORS 164.162	Mail theft or receipt of stolen mail	Ten year
	ORS 164.235	Possession of burglary tool or theft device	Ten year
	ORS 164.255	Criminal trespass I	Ten year
	ORS 164.265	Criminal trespass while in possession of firearm	Ten year
	ORS 164.272	Unlawful entry into motor vehicle	Ten year
	ORS 164.354	Criminal Mischief II	Ten year
	ORS 165.007	Forgery II	Ten year
	ORS 165.017	Criminal possession of a forged instrument II	Ten year
	ORS 165.037	Criminal simulation	Ten year
	ORS 165.042	Fraudulently obtaining signature	Ten year
	ORS 165.070	Possessing fraudulent communications device	Ten year
	ORS 165.074	Unlawful factoring of credit card transaction	Ten year
	ORS 165.080	Falsifying business records	Ten year
	ORS 165.085	Sports bribery	Ten year
	ORS 165.090	Sports bribe receiving	Ten year

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	OAR 407-007- 0280(1)	<b>10 Year Review Convictions</b>	
	ORS 165.095	Misapplication of entrusted property	Ten year
	ORS 165.100	Issuing a false financial statement	Ten year
	ORS 165.102	Obtaining execution of documents by deception	Ten year
	ORS 165.540	Obtaining contents of communication	Ten year
	ORS 165.543	Interception of communications	Ten year
	ORS 165.570	Improper use of 9-1-1 emergency reporting system	Ten year
	ORS 165.572	Interference with making a report	Ten year
	ORS 165.577	Cellular counterfeiting III	Ten year
	ORS 165.579	Cellular counterfeiting II	Ten year
	ORS 165.692	Making false claim for health care payment	Ten year
	ORS 166.015	Riot	Ten year
	ORS 166.023	Disorderly conduct I	Ten year
	ORS 166.025	Disorderly conduct II	Ten year
	ORS 166.065	Harassment	Ten year
	ORS 166.076	Abuse of a memorial to the dead	Ten year
	ORS 166.090	Telephonic harassment	Ten year
	ORS 166.116	Interfering with public transportation	Ten year
	ORS 166.180	Negligently wounding another	Ten year
	ORS 166.190	Pointing firearm at another	Ten year
	ORS 166.240	Carrying of concealed weapon	Ten year
	ORS 166.250	Unlawful possession of firearms	Ten year
	ORS 166.470	Limitations and conditions for sales of firearms	Ten year
	ORS 166.480	Sale or gift of explosives to children	Ten year
	ORS 166.649	Throwing an object off an overpass II	Ten year
	ORS 166.651	Throwing an object off an overpass I	Ten year
	ORS 166.660	Unlawful paramilitary activity	Ten year
	ORS 167.007	Prostitution	Ten year
	ORS 167.090	Publicly displaying nudity or sex for advertising purposes	Ten year

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	OAR 407-007- 0280(1)	10 Year Review Convictions	# of years disqualified
	ORS 167.122	Unlawful gambling in the second degree	Ten year
	ORS 167.127	Unlawful gambling in the first degree	Ten year
	ORS 167.167	Cheating	Ten year
	ORS 167.222	Frequenting a place where controlled substances are used	Ten year
	ORS 167.325	Animal neglect II	Ten year
	ORS 167.330	Animal neglect I	Ten year
	ORS 167.337	Interfering with law enforcement animal	Ten year
	ORS 167.340	Animal abandonment	Ten year
	ORS 167.352	Interfering with assistance, search and rescue or therapy animal	Ten year
	ORS 167.355	Involvement in animal fighting	Ten year
	ORS 167.365	Dogfighting	Ten year
	ORS 167.370	Participation in dogfighting	Ten year
	ORS 167.428	Cockfighting	Ten year
	ORS 167.431	Participation in cockfighting	Ten year
	ORS 167.820	Concealing the birth of an infant	Ten year
	ORS 192.865	Criminal penalty (pertaining to Address Confidentiality Program)	Ten year
	ORS 314.075	Evading requirements of law prohibited (tax evasion)	Ten year
	ORS 411.630	Unlawfully obtaining public assistance	Ten year
	ORS 411.640	Unlawfully receiving public assistance	Ten year
	ORS 411.675	Submitting wrongful claim or payment (e.g., public assistance)	Ten year
	ORS 411.840	Unlawfully obtaining or disposing of food stamp benefits	Ten year
	ORS 412.074	Unauthorized use and custody of records of temporary assistance for needy families program	Ten year
	ORS 412.099	Sharing assistance prohibited	Ten year
	ORS 417.990	Penalty for placement of children in violation of compact	Ten year
	ORS 471.410	Providing liquor to person under 21 or to intoxicated person; allowing consumption by minor on property	Ten year
	ORS 475.912	Unlawful delivery of imitation controlled substance	Ten year

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	OAR 407-007- 0280(1)	10 Year Review Convictions	
	ORS 475.916	Prohibited acts involving records and fraud	Ten year
	ORS 475.918	Falsifying drug test results	Ten year
	ORS 475.950	Failure to report precursor substance	Ten year
	ORS 475.955	Failure to report missing precursor substances	Ten year
	ORS 475.960	Illegally selling drug equipment	Ten year
	ORS 475.965	Providing false information on precursor substances report	Ten year
	ORS 803.230	Forging, altering or unlawfully producing or using title or registration	Ten year
	ORS 807.620	Giving false information to police officer	Ten year
	ORS 811.060	Vehicular assault of bicyclist or pedestrian	Ten year
	ORS 811.140	Reckless driving	Ten year
	ORS 811.540	Fleeing or attempting to elude police officer	Ten year
	ORS 811.700	Failure to perform duties of driver when property is damaged	Ten year
	ORS 811.705	Failure to perform duties of driver to injured persons	Ten year
	ORS 819.300	Possession of a stolen vehicle	Ten year
	ORS 830.475	Failure to perform the duties of an operator (boat)	Ten year
	*****	Any unclassified misdemeanor defined in Oregon Revised Statutes not listed elsewhere in this rule.	Ten year
	*****	Any other misdemeanor in Oregon Revised Statutes not listed in this rule that is serious and indicates behavior that poses a threat or jeopardizes the safety of vulnerable persons, as determined by the authorized designee.	Ten year
	*****	Any misdemeanor in a jurisdiction outside Oregon that is not the substantial equivalent of any of the Oregon crimes listed in section (2) of this rule but that is serious and indicates behavior that poses a threat or jeopardizes the safety of vulnerable persons, as determined by the AD. If a misdemeanor in a jurisdiction outside Oregon is similar to a violation in Oregon, then it cannot be considered potentially disqualifying under this section.	Ten year
	*****	Any crime of attempt, solicitation or conspiracy to commit a crime listed in this section pursuant to ORS 161.405, 161.435, or 161.450, including any crime based on criminal liability for conduct of another pursuant to ORS 161.155.	Ten year

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	OAR 407-007-0280(1)	<b>10 Year Review Convictions</b>	<b># of years disqualified</b>
	*****	Any crime in any other jurisdiction which is the substantial equivalent of any of the Oregon crimes listed in section (2) of this rule as determined by the AD	Ten year
	*****	Any crime which is no longer codified in Oregon or other jurisdiction but which is the substantial equivalent of any of the crimes listed in section (2) of this rule as determined by the AD	Ten year
	OAR 407-007-0280(3)	<b>5 Year Review Convictions</b>	
	ORS 162.085	Unsworn falsification	Five year
	ORS 162.235	Obstructing governmental or judicial administration	Five year
	ORS 164.245	Criminal trespass II	Five year
	ORS 164.335	Reckless Burning	Five year
	ORS 164.345	Criminal mischief III	Five year
	ORS 165.555	Unlawful telephone solicitation of contributions for charitable purposes	Five year
	ORS 165.813	Unlawful possession of fictitious identification	Five year
	ORS 166.075	Abuse of venerated objects	Five year
	ORS 166.095	Misconduct with emergency telephone calls	Five year
	ORS 811.182	Criminal driving while suspended or revoked	Five year
	ORS 813.010	Driving under the influence of intoxicants (DUII)	Five year
	ORS 830.315	Reckless operation of a boat	Five year
	ORS 830.325	Operating boat while under the influence of intoxicating liquor or controlled substance	Five year
	ORS 830.730	False information to peace officer or Oregon State Marine Board	Five year
	*****	Any conviction for attempt, solicitation or conspiracy to commit a crime listed in this section pursuant to ORS 161.405, 161.435, including any crime based on criminal liability for conduct of another pursuant to ORS 161.155.	Five year
	*****	Any crime in any other jurisdiction which is the substantial equivalent of any of the Oregon crimes listed in section (3) of this rule as determined by the AD	Five year
	*****	Any crime which is no longer codified in Oregon or other jurisdiction but which is the substantial equivalent of any of the crimes listed in section (3) of this rule as determined by the AD	Five year

Subject to ORS 443.004 <b>MH and APD,</b> <b>DD</b> EFF: 4/13/12	Effective 4/13/2012  OAR 407-007- 0280(1)	<b>Criminal Background Check</b>  <b>Potentially Disqualifying Crimes &amp; Conditions</b>	# of years disqualified
	<b>Subsection 1</b>	FALSE STATEMENT. The SI makes a false statement to the QE, AD, or Department, including the provision of materially false information, false information regarding criminal records, or failure to disclose information regarding criminal records. Nondisclosure of violation or infraction charges may not be considered a false statement.	
	<b>Subsection 2</b>	SEX OFFENDER. The subject individual is a registered sex offender in any jurisdiction. There is a rebuttable presumption that an SI is likely to engage in conduct that would pose a significant risk to the Department, its clients, or vulnerable individuals if the SI has been designated a predatory sex offender in any jurisdictions under ORS 181.585 or found to be a sexually violent dangerous offender under ORS 144.635 (or similar statutes in other jurisdictions).	
	<b>Subsection 3</b>	WARRANTS. The SI has an outstanding warrant for any crime in any jurisdiction.	
	<b>Subsection 4</b>	DEFERRED SENTENCE, DIVERSION PROGRAM. The SI has a deferred sentence, conditional discharge, or is participating in a diversion program, in any jurisdiction.	
	<b>Subsection 5</b>	PROBATION, PAROLE, OR POST-PRISON SUPERVISION. The SI is currently on probation, parole, or post-prison supervision for any crime in any jurisdiction, regardless of the original conviction date (or date of guilty or no contest plea if there is no conviction date).	
	<b>Subsection 6</b>	PAROLE OR PROBATION VIOLATION. The SI has been found in violation of post-prison supervision, parole, or probation for any crime in any jurisdiction regardless of the original conviction date (or date of guilty or no contest plea if there is no conviction date), within five years or less from the date the DHS Background Check Request Form was signed or the date the Department conducted a criminal history check due to imminent danger.	

	<b>Subsection 7</b>	UNRESOLVED ARRESTS, CHARGES OR INDICTMENTS. The SI has an unresolved arrest, charge, or a pending indictment, for any crime in any jurisdiction	
	<b>Subsection 8</b>	FUGITIVE. The SI has been arrested in any jurisdiction as a fugitive from another state or a fugitive from justice, regardless of the date of arrest.	
	<b>Subsection 9</b>	JUVENILE ADJUDICATION. The SI has an adjudication in a juvenile court in any jurisdiction, finding that the SI was responsible for a potentially disqualifying crime that would result in a conviction if committed by an adult. Subsequent adverse rulings from a juvenile court, such as probation violations, shall also be considered potentially disqualifying if within five years from the date the Background Check Request form was signed or the date the Department conducted a criminal records check due to imminent danger.	
	<b>Subsection 10</b>	GUILTY EXCEPT FOR INSANITY. The SI has a finding of “guilty except for insanity,” “guilty except by reason of insanity,” “not guilty by reason of insanity,” “responsible except for insanity,” “not responsible by reason of mental disease or defect,” or similarly worded disposition in any jurisdiction regarding a potentially disqualifying crime, unless the local statutes indicate that such an outcome is considered an acquittal.	

		<p>Potentially disqualifying abuse as determined from abuse investigation reports which have an outcome of founded, substantiated, or valid and in which the SI is determined to have been responsible for the abuse.</p> <p>(a) For SIs associated with child foster homes licensed through the Department's Seniors and People with Disabilities Division, child foster homes licensed through a private licensed child caring agency, or adoptive families through a private licensed child caring agency, potentially disqualifying abuse includes:</p> <p>(A) Child protective services history held by the Department regardless of the date of initial report or outcome;</p> <p>(B) Child protective services history reviewed pursuant to the federal Adam Walsh Act requirements, determined by BCU ADs to be potentially disqualifying; and</p> <p>(C) Adult protective services investigations of physical abuse, sexual abuse, or financial exploitation initiated on or after January 1, 2010, as provided to BCU by the Office of Investigation and Training and the Seniors and People with Disabilities Division based on severity.</p> <p>(b) For staff and volunteers of a private licensed child caring agency:</p> <p>(A) Child protective services history held by the Department regardless of the date of initial report or outcome; and</p> <p>(B) Adult protective services investigations of physical abuse, sexual abuse, or financial exploitation initiated on or after January 1, 2010, as provided to BCU by the Office of Investigation and Training and the Seniors and People with Disabilities Division based on severity.</p> <p>(c) For child care providers and associated subject individuals defined in OAR 407-007-0210(30)(a)(H);</p> <p>(A) Child protective services history held by the Department regardless of the</p>	
		Miscellaneous	
		Related Statutes	Misc
		<b>Misdemeanors treated as or reduced to VIOLATIONS <u>ARE NOT POTENTIALLY DISQUALIFYING</u>. See Statutes below for more information.</b>	
	ORS 161.566	Misdemeanor treated as violation; prosecuting attorney's election	Misc
	ORS 161.568	Misdemeanor treated as violation; court's election	Misc
		<b>Felonies treated or reduced to MISDEMEANORS ARE STILL POTENTIALLY DISQUALIFYING based on the review list. (Permanent, 10-Year OR 5-Year).</b>	

**APD Rule 411.346.0150 Foster Homes for Children with Disabilities**

**(Excerpt:)**

(9) The Department may not issue or renew a certificate if an applicant or member of the household:

(a) Has, after completing the Department's background check as defined in OAR 407-007-0210, a fitness determination of "denied."

(b) Has, **at any time**, been convicted of a felony in Oregon or any jurisdiction that involves:

(A) Child abuse or neglect;

(B) Spousal abuse;

(C) Criminal activity against children, including child pornography; or

(D) Rape, sexual assault, or homicide.

(c) Has, **within the past five years** from the date the background check was signed as defined in OAR 407-007-0210, been convicted of a felony in Oregon or any jurisdiction that involves:

(A) Physical assault or battery (other than against a spouse or child); or

(B) Any drug-related offense.

(d) Has been found to have abused or neglected a child or adult as defined in ORS 419B.005 or as listed in OAR 407-045-0260.

(e) Has, **within the past five years** from the date the child foster home application was signed, been found to have abused or neglected a child or adult in the United States as defined by that jurisdiction or any other jurisdiction.