

| Subject to ORS<br>443.004<br>MH and APD, DD<br>EFF: 4/13/12 | EFFECTIVE<br>11/1/2011  |   |           | Background Check Unit  | Adam<br>Walsh |
|---|-------------------------|---|-----------|--|---------------|
|   | OAR 407-007-<br>0280(1) |   |           | POTENTIALLY DISQUALIFYING CRIMES AND CONDITIONS<br>Permanently Reviewed Crimes |               |
|   | ORS 162.155             | Escape II   | Permanent | AW   |               |
|   | ORS 162.165             | Escape I  | Permanent | AW   |               |
|   | ORS 162.285             | Tampering with a witness  | Permanent |  |               |
|   | ORS 162.325             | Hindering prosecution   | Permanent | AW   |               |
|   | ORS 163.005             | Criminal homicide   | Permanent | AW   |               |
| ORS 443.004   | ORS 163.095             | Aggravated murder   | Permanent | AW   |               |
| ORS 443.004   | ORS 163.115             | Murder  | Permanent | AW   |               |
| ORS 443.004   | ORS 163.118             | Manslaughter I  | Permanent | AW   |               |
| ORS 443.004   | ORS 163.125             | Manslaughter II   | Permanent | AW   |               |
| ORS 443.004   | ORS 163.145             | Criminally negligent homicide   | Permanent | AW   |               |
| ORS 443.004   | ORS 163.149             | Aggravated vehicular homicide   | Permanent | AW   |               |
|   | ORS 163.160             | Assault IV  | Permanent | AW   |               |
| ORS 443.004   | ORS 163.165             | Assault III   | Permanent | AW   |               |
| ORS 443.004   | ORS 163.175             | Assault II  | Permanent | AW   |               |
| ORS 443.004   | ORS 163.185             | Assault I   | Permanent | AW   |               |
| 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 | AW   |               |
|   | ORS 163.207             | Female genital mutilation   | Permanent | AW   |               |
|   | 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 | AW   |               |
| ORS 443.004   | ORS 163.225             | Kidnapping II   | Permanent | AW   |               |
| ORS 443.004   | ORS 163.235             | Kidnapping I  | Permanent | AW   |               |
|   | ORS 163.245             | Custodial interference II   | Permanent | AW   |               |
|   | ORS 163.257             | Custodial interference I  | Permanent | AW   |               |
| 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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| 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 | AW |
| ORS 443.004                 | ORS 163.365 | Rape II  | Permanent | AW |
| ORS 443.004                 | ORS 163.375 | Rape I   | Permanent | AW |
| ORS 443.004                 | ORS 163.385 | Sodomy III   | Permanent | AW |
| ORS 443.004                 | ORS 163.395 | Sodomy II  | Permanent | AW |
| ORS 443.004                 | ORS 163.405 | Sodomy I   | Permanent | AW |
| ORS 443.004                 | ORS 163.408 | Unlawful Sexual penetration II                                     | Permanent | AW |
| ORS 443.004                 | ORS 163.411 | Unlawful Sexual penetration I                                      | Permanent | AW |
| ORS 443.004                 | ORS 163.415 | Sexual abuse III   | Permanent |    |
| ORS 443.004                 | ORS 163.425 | Sexual abuse II  | Permanent | AW |
| ORS 443.004                 | ORS 163.427 | Sexual abuse I   | Permanent | AW |
| ORS 443.004- 5yrs younger   | ORS 163.432 | Online sexual corruption of a child in the second degree           | Permanent | AW |
| ORS 443.004- 5yrs younger   | ORS 163.433 | Online sexual corruption of a child in the first degree            | Permanent | AW |
| 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 | AW |
|                             | ORS 163.515 | Bigamy   | Permanent |    |
| ORS 443.004-Child victim    | ORS 163.525 | Incest   | Permanent | AW |
| ORS 443.004                 | ORS 163.535 | Abandonment of a child   | Permanent | AW |
| ORS 443.004                 | ORS 163.537 | Buying or selling a person under 18 years of age                   | Permanent | AW |
|                             | ORS 163.545 | Child neglect II   | Permanent |    |
| ORS 443.004                 | ORS 163.547 | Child neglect I  | Permanent | AW |

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|               | ORS 163.555 | Criminal nonsupport   | Permanent | AW |
|               | 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 | AW |
|               | 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 | AW |
| ORS 443.004   | ORS 163.686 | Encouraging child sexual abuse II   | Permanent | AW |
| 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 | AW |
| ORS 443.004   | ORS 163.689 | Possession of materials depicting sexually explicit conduct of a child II | Permanent | AW |
|               | 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 | AW |
|               | 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 | AW |
|               | 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 | AW |
| ORS 443.004   | ORS 164.405 | Robbery II  | Permanent | AW |
| ORS 443.004   | ORS 164.415 | Robbery I   | Permanent | AW |
| ORS 443.004   | ORS 165.013 | Forgery I   | Permanent |    |
| ORS 443.004   | ORS 165.022 | Criminal possession of a forged instrument I                              | Permanent |    |

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| ORS 443.004 | ORS 165.032 | Criminal possession of a forgery device   | Permanent | AW<br>AW |    |
|             | 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 |          |    |
|             | 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 |          | AW |
| ORS 443.004 | ORS 167.017 | Compelling prostitution   | Permanent |          |    |
|             | ORS 167.054 | Furnishing sexually explicit material to a child (replaced 167.065)   | Permanent |          | AW |
| 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 |          |    |

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|                  | ORS 167.212 | Tampering with drug records   | Permanent | AW |
|                  | ORS 167.262 | Adult using minor in commission of controlled substance offense                       | Permanent | AW |
|                  | 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 | AW |
| ORS 443.004-10yr | ORS 475.848 | Unlawful manufacture of heroin within 1000 feet of school                             | Permanent | AW |
| ORS 443.004-10yr | ORS 475.850 | Unlawful delivery of heroin   | Permanent | AW |
| ORS 443.004-10yr | ORS 475.852 | Unlawful delivery of heroin within 1000 feet of school                                | Permanent | AW |
|                  | ORS 475.854 | Unlawful possession of heroin   | Permanent | AW |
| ORS 443.004-10yr | ORS 475.856 | Unlawful manufacture of marijuana   | Permanent | AW |
| ORS 443.004-10yr | ORS 475.858 | Unlawful manufacture of marijuana within 1000 feet of school                          | Permanent | AW |
| ORS 443.004-10yr | ORS 475.860 | Unlawful delivery of marijuana  | Permanent | AW |
| ORS 443.004-10yr | ORS 475.862 | Unlawful delivery of marijuana within 1000 feet of school                             | Permanent | AW |
|                  | ORS 475.864 | Unlawful possession of marijuana  | Permanent | AW |
| ORS 443.004-10yr | ORS 475.866 | Unlawful manufacture of 3,4-methylenedioxymethamphetamine                             | Permanent | AW |
| ORS 443.004-10yr | ORS 475.868 | Unlawful manufacture of 3, 4-methylenedioxymethamphetamine within 1000 feet of school | Permanent | AW |
| ORS 443.004-10yr | ORS 475.870 | Unlawful delivery of 3, 4-methylenedioxymethamphetamine                               | Permanent | AW |
| ORS 443.004-10yr | ORS 475.872 | Unlawful delivery of 3, 4-methylenedioxymethamphetamine within 1000 feet of           | Permanent | AW |
|                  | ORS 475.874 | Unlawful possession of 3, 4-methylenedioxymethamphetamine                             | Permanent | AW |
| ORS 443.004-10yr | ORS 475.876 | Unlawful manufacture of cocaine   | Permanent | AW |
| ORS 443.004-10yr | ORS 475.878 | Unlawful manufacture of cocaine within 1000 feet of school                            | Permanent | AW |
| ORS 443.004-10yr | ORS 475.880 | Unlawful delivery of cocaine  | Permanent | AW |

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| ORS 443.004-10yr  | ORS 475.882 | Unlawful delivery of cocaine within 1000 feet of school   | Permanent | AW |
|                   | ORS 475.884 | Unlawful possession of cocaine  | Permanent | AW |
| ORS 443.004-10yr  | ORS 475.886 | Unlawful manufacture of methamphetamine   | Permanent | AW |
| ORS 443.004-10yr  | ORS 475.888 | Unlawful manufacture of methamphetamine within 1000 feet of school  | Permanent | AW |
| ORS 443.004-10yr  | ORS 475.890 | Unlawful delivery of methamphetamine  | Permanent | AW |
| ORS 443.004-10yr  | ORS 475.892 | Unlawful delivery of methamphetamine within 1000 feet of school   | Permanent | AW |
|                   | ORS 475.894 | Unlawful possession of methamphetamine  | Permanent | AW |
| ORS 443.004-10yr  | ORS 475.904 | Unlawful delivery of controlled substance within 1000 feet of school  | Permanent | AW |
| ORS 443.004-10yr  | ORS 475.906 | Penalties for distribution to minors  | Permanent |    |
| ORS 443.004-10yr  | ORS 475.908 | Causing another person to ingest a controlled substance   | Permanent | AW |
|                   | ORS 475.910 | Application of controlled substance to the body of another person   | Permanent | AW |
| ORS 443.004       | ORS 475.914 | Prohibited acts for registrants (with the Oregon State Board of Pharmacy; regarding felony crimes)  | Permanent | AW |
|                   | ORS 475.967 | Possession of precursor substance with intent to manufacture controlled substance   | Permanent | AW |
|                   | 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 | AW |
| 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 |    |

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|  | *****                       | 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 |
|  | <b>ORAR 407-007-0280(2)</b> | <b>10 Year Review Convictions</b>   |           |
|  | 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  |

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|  | ORS 162.369 | Possession of false law enforcement identification card     | Ten year |
|  | 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 |
|  | 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 |



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|  | ORS 165.540 | Obtaining contents of communication                        | Ten year | AW |
|  | 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 |    |
|  | 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 |    |

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|  | 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 |
|  | 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 |

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|  | 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  |
|  | *****                      | 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  |
|  | <b>OAR 407-007-0280(3)</b> | <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 |

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|  | 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   | 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 |

**Other Potentially Disqualifying Conditions OAR 410-007-0290**

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|  | <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).   |  |

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|  | <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.   |  |  |

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|  | <p><b>Subsection 11</b></p> | <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 date of initial report, date of outcome, and considered potentially disqualifying pursuant to OAR 461-165-0420; 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> |      |  |
| <b>Miscellaneous</b>   |                             |  |      |  |
| <b>Related Statutes</b>  |                             |  | 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> |                             |  |      |  |

|  |  | <b>NOTES on the Adam Walsh Federal Act 413.120.0450</b>   |  |  |
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|  |  | <p><b>413.120.0450 4(a)(b)</b><br/>DHS may not issue or renew a certificate of approval to operate a relative caregiver or foster home, or approve an adoption application, and no exception may be granted if a subject individual has been <b>convicted in Oregon or any other jurisdiction of a felony crime that involves:</b></p> <ul style="list-style-type: none"><li>(A) Violence, including rape, sexual assault, and homicide, but not including other physical assault or battery;</li><li>(B) Intentional starvation or torture;</li><li>(C) Abuse or neglect of a child;</li><li>(D) Spousal abuse;</li><li>(E) Aiding, abetting, attempting, soliciting, or conspiring to cause the death of a child;</li><li>(F) Sodomy or sexual abuse; or</li><li>(G) A child as the victim (including child pornography).</li></ul> <p><b>Crimes described under this subsection include, but are not limited to, the flagged crimes in the list of "Permanent/10 yr Review Crimes" above and any other substantially similar crimes in Oregon or any other jurisdiction.</b></p> |  |  |

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|  |  | <p><b>APD Rule 411.346.0150 Foster Homes for Children with Disabilities (Excerpt:)</b></p> <p>(9) The Department may not issue or renew a certificate if an applicant or member of the household:</p> <p>(a) Has, after completing the Department’s background check as defined in OAR 407-007-0210, a fitness determination of “denied.”</p> <p>(b) Has, <b>at any time</b>, been convicted of a felony in Oregon or any jurisdiction that involves:</p> <p>(A) Child abuse or neglect;</p> <p>(B) Spousal abuse;</p> <p>(C) Criminal activity against children, including child pornography; or</p> <p>(D) Rape, sexual assault, or homicide.</p> <p>(c) Has, <b>within the past five years</b> 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:</p> <p>(A) Physical assault or battery (other than against a spouse or child); or</p> <p>(B) Any drug-related offense.</p> <p>(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.</p> <p>(e) Has, <b>within the past five years</b> 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.</p> <p><b>Use the AW flagged crimes in the perm/10 yr review list above as a guide.</b></p> |  |  |
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