

**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. ORS 443.004/OAR 407-007-0275 impacts anyone with this type of employment hired on or after 7/28/2009, or changing positions on or after 7/28/2009.

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 ORS 163.115, Murder ORS 163.118, Manslaughter I ORS 163.125, Manslaughter II ORS 163.145, Criminally negligent homicide ORS 163.149, Aggravated vehicular homicide ORS 163.165, Assault III ORS 163.175, Assault II ORS 163.185, Assault I ORS 163.187, Strangulation ORS 163.200, Criminal mistreatment II ORS 163.205, Criminal mistreatment I ORS 163.225, Kidnapping II ORS 163.235, Kidnapping I ORS 163.263, Subjecting person to invol. servitude II ORS 163.264, Subjecting person to invol. servitude I ORS 163.266, Trafficking in persons ORS 163.275, Coercion ORS 163.465, Public indecency (however, remains permanent if person has a prior conviction of a sex crime listed in ORS 163A.005) ORS 163.467, Private indecency (however, remains permanent if person has a prior conviction of a sex crime listed in ORS 163A.005) ORS 163.535, Abandonment of a child ORS 163.537, Buying or selling a person under 18 yrs. ORS 163.547, Child neglect I ORS 163.689, Possession of materials depicting sexually explicit conduct of a child II ORS 163.700, Invasion of personal privacy II ORS 163.701 Invasion of personal privacy I ORS 164.055, Theft I ORS 164.057, Aggravated theft I ORS 164.098, Organized retail theft ORS 164.125, Theft of services, if convicted as felony ORS 164.125, Theft of services ORS 164.215, Burglary II ORS 164.225, Burglary I ORS 164.325, Arson I ORS 164.377, Computer crime, if convicted of felony ORS 164.377, Computer crime ORS 164.405, Robbery II

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ORS 164.415, Robbery I ORS 165.013, Forgery I ORS 165.022, Criminal possession of a forged instrument I ORS 165.032, Criminal possession of a forgery device ORS 165.800, Identity theft ORS 165.803, Aggravated identity theft ORS 167.012, Promoting prostitution ORS 167.017, Compelling prostitution ORS 167.057, Luring a minor ORS 167.320, Animal abuse I ORS 167.322, Aggravated animal abuse I

Sex Crimes (\*see details in ORS 163A.005): ORS 163.355, Rape III ORS 163.365, Rape II ORS 163.375, Rape I ORS 163.385, Sodomy III ORS 163.395, Sodomy II ORS 163.405, Sodomy I ORS 163.408, Unlawful sexual penetration II ORS 163.411, Unlawful sexual penetration I ORS 163.413 Purchasing sex with a minor\* ORS 163.415, Sexual abuse III ORS 163.425, Sexual abuse II ORS 163.427, Sexual abuse I ORS 163.432, Online sexual corruption of a child II\* ORS 163.433, Online sexual corruption of a child I\* ORS 163.435, Contributing to sex. delinquency of minor ORS 163.445, Sexual misconduct\* ORS 163.525, Incest with a child victim ORS 163.670, Using a child in sexual display ORS 163.680, Paying for viewing child's sexual conduct ORS 163.684, Encouraging child sexual abuse I 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