

TVCC NURSING PROGRAM  
DHS/OSBN DISQUALIFYING CRIMES

ORS 443.004/OAR 407-007-0275 Crimes  
PLEASE READ CAREFULLY

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, or contact with a resident of a residential facility or an adult foster home who has any of the following convictions. **This law pertains to anyone hired into this type of employment on or after July 28, 2009.**

- If the individual has a conviction for delivery (selling) of drugs or manufacture (making) of drugs (or attempt, conspiracy, or solicitation for these crimes) in the past 10 years, **THE INDIVIDUAL IS NOT ELIGIBLE FOR THE POSITION. If one or more of these crimes are discovered after the individual signs the 301, submit the 301 to the Background Check Unit.**
- If the individual has ever been convicted of any of the listed crimes (or attempt, conspiracy, or solicitation for any of the listed crimes), **THE INDIVIDUAL IS NOT ELIGIBLE FOR THE POSITION. If one or more of these crimes are discovered after the completion of the 301, submit the 301 to the Background Check Unit.**
- **Note:** If the individual has a juvenile adjudication, guilty except for insanity outcome, or is in diversion or conditional discharge for one or more of these crimes, ORS 443.004 does not apply, but a weighing test must be completed to make a final fitness determination.
- All other crimes, including drug or alcohol-related crimes, will be evaluated individually. The evaluation will consider:
  1. evidence of rehabilitation;
  2. length of time since the conviction to the time to application for certification;
  3. circumstances surrounding commission of the crime which demonstrate that a repeat offense is not likely; and
  4. character references.

**These crimes involve violence, harm to children, serious theft, identity theft, and sex crimes.**

ORS 163.095 Aggravated murder	
ORS 163.115 Murder	ORS 163.355 Rape III
ORS 163.118 Manslaughter I	ORS 163.365 Rape II
ORS 163.125 Manslaughter II	ORS 163.375 Rape I
ORS 163.145 Criminally negligent homicide	ORS 163.385 Sodomy III
ORS 163.149 Aggravated vehicular homicide	ORS 163.395 Sodomy II
ORS 163.165 Assault III	ORS 163.405 Sodomy I
ORS 163.175 Assault II	ORS 163.408 Unlawful sexual penetration II
ORS 163.185 Assault I	ORS 163.411 Unlawful sexual penetration I
ORS 163.187 Strangulation	ORS 163.415 Sexual Abuse III
ORS 163.200 Criminal mistreatment II	ORS 163.425 Sexual Abuse II
ORS 163.205 Criminal mistreatment I	ORS 163.427 Sexual Abuse I
ORS 163.225 Kidnapping II	ORS 163.432 Online sexual corruption of a child II, if the offender reasonably believed the child to be more than five years younger than the offender
ORS 163.235 Kidnapping I	
ORS 163.263 Subjecting another person to involuntary servitude II	ORS 163.432 Online sexual corruption of a child I, if the offender reasonably believed the child to be more than five years younger than the offender
ORS 163.264 Subjecting another person to involuntaryservitude I	
ORS 163.266 Trafficking in persons	
ORS 163.275 Coercion	

ORS 163.435 Contributing to the sexual delinquency of a minor  
ORS 163.445 Sexual misconduct, if the offender s at least 18 years of age  
ORS 163.465 Public Indecency  
ORS 163.467 Private Indecency  
ORS 163.525 Incest with a child victim  
ORS 163.535 Abandonment of a child  
ORS 163.537 Buying or selling a person under 18 years of age  
ORS 163.670 Using a child in display of sexually explicit conduct  
ORS 163.680 Paying for viewing a child's sexually explicit conduct  
ORS 163.686 Encouraging child sexual abuse I  
ORS 163.686 Encouraging child sexual abuse II  
ORS 163.687 Encouraging child sexual abuse III  
ORS 163.688 Possession of materials depicting sexually explicit conduct of a child I  
ORS 163.689 Possession of materials depicting sexually explicit conduct of a child II  
ORS 163.700 Invasion of personal privacy  
ORS 164.055 Theft I  
ORS 164.057 Aggravated Theft I  
ORS 164.098 Organized retail theft  
ORS 164.125 Theft of services, if charged as a felony  
ORS 164.215 Burglary II  
ORS 164.225 Burglary I  
ORS 164.325 Arson I  
ORS 164.377 Computer crime, if charged with a felony  
ORS 164.405 Robbery II  
ORS 164.415 Robbery 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 167.054 Furnishing sexually explicit material to a child  
ORS 167.057 Luring a minor  
ORS 181.594 Sex Crimes, including Transporting child pornography into the state