

2009 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 2318 **STATUS:** Original
SUBJECT: Allows a person to have traffic offense arrest record expunged under certain circumstances.
GOVERNMENT UNIT AFFECTED: Oregon Judicial Department and Oregon Department of Transportation
PREPARED BY: Tim Walker
REVIEWED BY: John Borden, Robin LaMonte
DATE: January 29, 2009

	<u>2009-2011</u>	<u>2011-2013</u>
EXPENDITURES: See Comments		
POSITIONS / FTE: See Comments		
EFFECTIVE DATE: January 1, 2010		

GOVERNOR’S BUDGET: This bill is anticipated by the Governor’s recommended budget.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

ANALYSIS: This bill allows individuals who are arrested for, but not convicted of, a state or municipal traffic offense to file a motion with a court to expunge the record. The bill does not allow a record to be expunged when an individual has been arrested for Driving Under the Influence of Intoxicants (DUI) and has previously had the arrest dismissed after successfully completing a diversion program.

The fiscal impact of this bill is indeterminate. The bill allows for motions to expunge records in cases that would not qualify under current law. An individual could be arrested for DUI, pass the requisite tests, and have the charge dismissed, but there is no mechanism for the arrest record to be deleted. Whenever a request is made for the driver’s record, the DUI will continue to show up even though the individual was not prosecuted or found guilty of DUI. Because the bill allows for the filing of a motion to expunge a record, there will be additional motions filed with the court. The number of these motions that may be filed is difficult to estimate with any level of certainty. It takes approximately 60 minutes of staff time to process each motion and if the District Attorney (DA) does not stipulate to the expunction an additional 15 minutes of court time would be necessary to process the motion. It is expected that the additional time required to process these motions would be spread out across the 27 judicial districts and any one district would not be overly burdened. The cost per motion would be approximately \$100. There is no fiscal impact to the Oregon Department of Transportation, Division of Motor Vehicles.