

# House Bill 2679

Sponsored by Representative SHIELDS (at the request of Ralph Nickerson)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes circuit court having jurisdiction where prehearing detention or civil commitment occurred to order expunction of records of proceedings.

Applies to proceedings commenced before, on or after effective date of Act.

## A BILL FOR AN ACT

1  
2 Relating to records of civil commitment proceedings.

3 **Be It Enacted by the People of the State of Oregon:**

4     **SECTION 1.** (1) **Any person released from detention pending a commitment hearing under**  
5 **ORS 426.070, 426.140, 426.228, 426.232, 426.233 or 426.237, or released from the custody of the**  
6 **Department of Human Services following a commitment or recommitment under ORS 426.005**  
7 **to 426.390, may petition the circuit court having jurisdiction in the county where the de-**  
8 **tention occurred for an order expunging the prehearing detention, commitment or recom-**  
9 **mitment from the records of the court.**

10     (2) **The petition shall be served upon the community mental health and developmental**  
11 **disabilities program director for the county where the detention or commitment occurred.**

12     (3) **The circuit court may, in the interests of justice and for good cause shown, grant the**  
13 **petition.**

14     (4) **If a petition for expunction is granted:**

15     (a) **The prehearing detention, commitment or recommitment shall be deemed not to have**  
16 **occurred and the petitioner may answer accordingly any question relating to its occurrence;**  
17 **and**

18     (b) **No information or records related to the prehearing detention, commitment or re-**  
19 **commitment may be released under ORS 426.155 or 426.160.**

20     **SECTION 2.** **This 2009 Act applies to all prehearing detentions, commitments and re-**  
21 **commitments, whether commenced before, on or after the effective date of this 2009 Act.**  
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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.