

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 4 - 0 - 1

Yeas: Dingfelder, Kruse, Whitsett, Prozanski

Nays: 0

Exc.: Bonamici

Prepared By: Aaron Knott, Counsel

Meeting Dates: 5/17, 5/31

WHAT THE MEASURE DOES: Authorizes the court to enter an order setting aside a conviction for certain Class B felonies.

ISSUES DISCUSSED:

- Negative impact a felony conviction has on employment prospects, even decades after conviction
- Case studies of negatively impacted individuals
- Scope of the exception to be created
- Scope of “person felonies” to be excluded
- Exclusion of the crime of furnishing a firearm used in a felony at ORS 166.429

EFFECT OF COMMITTEE AMENDMENT: Excludes ORS 166.429.

BACKGROUND: ORS 137.225 governs the setting aside of convictions. Misdemeanors and certain Class C felonies are eligible to be set aside at any time after the lapse of three years from the date of pronouncement of judgment if the defendant has fully complied with the sentence of the court. House Bill 3376 A allows a court to enter an order setting aside a conviction for a Class B felony if at least twenty years have elapsed from the date of the conviction sought to be set aside or of the release of the person from imprisonment for the conviction sought to be set aside, whichever is later, and the person has not been convicted of or arrested for any other offense, excluding motor vehicle violations, after the date of the conviction to be set aside. House Bill 3376 A does not apply to crimes designated as “person felonies” as that term is defined by the Oregon Criminal Justice Commission or to the crime of furnishing a firearm used in a felony under ORS 166.429.