

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	5 - 0 - 0
Yeas:	Bonamici, Dingfelder, Kruse, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Aaron Knott, Counsel
Meeting Dates:	4/12, 4/18, 4/21

WHAT THE MEASURE DOES: Authorizes the setting aside of a conviction or expungement of juvenile records for certain sex crimes under certain circumstances.

ISSUES DISCUSSED:

- “Romeo and Juliet” cases of unlawful sexual conduct between minors
- Consequences of sex offender registry on future housing and employment
- “Plea down” cases where a defendant is indicted on a charge of Rape II but pleads down to Rape III and whether such an individual would be able to utilize this exception

EFFECT OF COMMITTEE AMENDMENT: Replaces the measure.

BACKGROUND: A person is not required to report as a sex offender under ORS 181.830 if the person has been convicted of a crime of sex abuse in the third degree, rape in the third degree, sodomy in the third degree, contributing to the delinquency of a minor or sexual misconduct and the victim was at least 14 at the time of the offense, less than five years younger than the defendant and was found unable to consent only due to incapacity due to age. Senate Bill 763 A allows for expungement of a record of conviction per ORS 137.225(1)(a) if the person has been convicted of one of the above crimes, has no other criminal record and has been relieved of the obligation to report as a sex offender per ORS 181.830. An individual who is successful in having a conviction or adjudication set aside pursuant to this section may nonetheless have that conviction used as a basis to deny a subsequent motion to set aside a new conviction or adjudication for the above listed offenses.