

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	10 - 0 - 0
Yeas:	Garrett, Hicks, Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger
Nays:	0
Exc.:	0
Prepared By:	Channa Newell, Counsel
Meeting Dates:	2/9, 2/13

WHAT THE MEASURE DOES: Allows expunction of juvenile charge or adjudication for prostitution when person was less than 18 years of age at time of offense. Allows expunction at any time and without hearing, absent objection. Applies retroactively. Declares emergency; effective on passage.

ISSUES DISCUSSED:

- Current prosecution procedure for persons under the age of 18 when charged with prostitution
- Sex trafficking of minors
- Ability of minors to remove charge or conviction of prostitution from record

EFFECT OF COMMITTEE AMENDMENT: Clarifies that only an applicant's record relating to a charge, allegation, or adjudication based on conduct that if done as an adult, would constitute the crime of prostitution, is eligible for expunction.

BACKGROUND: Prostitution is engaging in, offering, or agreeing to engage in sexual conduct or sexual contact in return for a fee; or paying, offering to pay, or agreeing to pay a fee to engage in sexual conduct or sexual contact (ORS 167.007-008). ORS 419A.262 sets forth how any juvenile adjudication may be expunged, and specifies that the earliest it may be sought is five years after court jurisdiction ends. House Bill 4146A allows expunction at any time, but is limited to charges or adjudications for prostitution, and only if the accused person was under age 18 at the time. House Bill 4146A does not encompass expunction for the crimes of promoting or compelling prostitution.