

Youth, Rights & Justice

ATTORNEYS AT LAW

To: House Committee on Judiciary, 2013 Oregon Legislature

From: Mark McKechnie, Exec. Director, Youth, Rights & Justice

Date: April 8, 2013

Re: Support for HB 3327-1

Chair Barker and Members of the Committee:

Youth, Rights & Justice supports the provisions of HB 3327 to allow a person who was under 16 years old at the time of an act constituting a Class C Felony to have the record of the conviction expunged when:

1. The person was under 16 years of age at the time of the offense;
2. The person was less than 3 years older than the victim;
3. The victim was at least 12 years of age at the time of the incident; and
4. The victim's lack of consent was solely due to incapacity to consent based upon age (i.e., not as a result of force or incapacitation).

The offenses addressed by this bill involve adolescents who are close in age and engage in consensual behavior that is not recognized as consensual under current statute.

Having a record that carries a conviction for a felony sex crime can seriously impair a person's ability to find housing and employment and to be self-sufficient. This bill involves teenage sexual behavior that occurs regularly across the country. A small but very unfortunate percentage of the people who engage in this behavior are arrested and prosecuted for it. While the state may want to discourage this behavior, the current consequences are too severe and can last a lifetime because these records cannot currently be expunged.

Under this bill, records cannot be expunged if the person has also been adjudicated or convicted for more serious offenses that cannot be expunged.

Youth, Rights & Justice urges your support of HB 3327 and the -1 amendments.