

Youth, Rights & Justice

ATTORNEYS AT LAW

To: Senate Committee on Judiciary, 2013 Oregon Legislature

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

Date: May 28, 2013

Re: Support for HB 3327-A

Chair Prozanski and Members of the Committee:

Youth, Rights & Justice supports HB 3327-A. This bill is crafted to provide very narrow provisions for courts to set aside an adult conviction or expunge a juvenile record 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 bill also allows expunction of juvenile records for third degree offenses when the person has successfully obtained relief from registration.

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. Prosecution may be pursued by the victim's parents, who do not approve of the relationship, regardless of the victim's wishes. While the state may want to discourage this behavior, as well, 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 or similar offenses against multiple victims.

Youth, Rights & Justice urges your support of HB 3327-A.

An independent, not-for-profit law firm, Est. 1975

401 NE 19TH Ave., Suite 200 • Portland, OR 97232 • (503) 232-2540, F: (503) 231-4767 • youthrightsjustice.org