

HOUSE AMENDMENTS TO HOUSE BILL 3327

By COMMITTEE ON JUDICIARY

April 26

- 1 On page 3 of the printed bill, after line 45, insert:
- 2 “(c) A sex crime constituting a Class C felony, if:
- 3 “(A) The person was under 16 years of age at the time of the offense;
- 4 “(B) The person is less than three years older than the victim;
- 5 “(C) The victim’s lack of consent was due solely to incapacity to consent by reason of being less
- 6 than a specified age;
- 7 “(D) The victim was at least 12 years of age at the time of the offense;
- 8 “(E) The person has not been convicted of, found guilty except for insanity of or found to be
- 9 within the jurisdiction of the juvenile court based on a crime that a court is prohibited from setting
- 10 aside under this section; and
- 11 “(F) Each conviction or finding described in this paragraph involved the same victim.”.
- 12 On page 5, delete lines 43 through 45 and insert:
- 13 “(9) Notwithstanding ORS 419A.260 (1)(d)(J)(x), (xiii) or (xviii), a person who has been found to
- 14 be within the jurisdiction of the juvenile court based on an act that if committed by an adult would
- 15 constitute:
- 16 “(a) Rape in the third degree under ORS 163.355, sodomy in the third degree under ORS 163.385
- 17 or sexual abuse in the third degree under ORS 163.415, or an attempt to commit those crimes, may
- 18 apply for an order of expunction under this section. The court shall order expunction of the records
- 19 in the case if, after a hearing when the matter is contested, the court finds that the person:
- 20 “(A) Meets the requirements of subsection (2) of this section;
- 21 “(B) Has been relieved of the obligation to report as a sex offender pursuant to a court order
- 22 entered under ORS 181.832 or 181.833; and
- 23 “(C) Has not been convicted of, found guilty except for insanity of or found to be within the
- 24 jurisdiction of the juvenile court based on a crime listed in ORS 419A.260 (1)(d)(J), other than the
- 25 adjudication that is the subject of the motion.
- 26 “(b) A sex crime that is a Class C felony may apply for an order of expunction under this sec-
- 27 tion. The court shall order expunction of the records in the case if, after a hearing when the matter
- 28 is contested, the court finds that:
- 29 “(A) The person meets the requirements of subsection (2) of this section;
- 30 “(B) The person was under 16 years of age at the time of the offense;
- 31 “(C) The person is less than three years older than the victim;
- 32 “(D) The victim’s lack of consent was due solely to incapacity to consent by reason of being less
- 33 than a specified age;
- 34 “(E) The victim was at least 12 years of age at the time of the offense;
- 35 “(F) Each finding described in this paragraph involved the same victim; and

1 “(G) The person has not been convicted of, found guilty except for insanity of or found to be
2 within the jurisdiction of the juvenile court based on a crime listed in ORS 419A.260 (1)(d)(J) or an
3 offense the court is prohibited from setting aside under ORS 137.225, other than the adjudication
4 that is the subject of the motion.”.

5 On page 6, delete lines 1 through 10.

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