

PRELIMINARY STAFF MEASURE SUMMARY

CARRIER:

Senate Committee on Judiciary

REVENUE: May have revenue impact, statement not yet issued

FISCAL: May have fiscal impact, statement not yet issued

SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Eric Deitrick, Counsel

Meeting Dates: 4/2

WHAT THE MEASURE DOES: Removes violation offenses of possession of less than an ounce of marijuana and minor in possession of alcohol from list of offenses that prohibit or extend expungement timelines.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: ORS 137.225 governs when a person can set aside, or “expunge,” a criminal conviction. First, the court must determine if the offense is a qualifying conviction. If it is, the next step is determining the time period required before an offender can seek expungement. In most situations, a person must wait either three years or ten years, depending upon whether the person has one, or more than one, conviction. If an offender commits any offense within that time period (excluding motor vehicle violations), the time period starts over again and requires an additional ten years of offense free behavior.

Senate Bill 908 removes two violation level offenses – possession of less than an ounce of marijuana and minor in possession of alcohol – from the list of offenses that preclude an expungement, and equates those violations with other motor vehicle violations for purposes of seeking an expungement.