

STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 04/07/15

Action: Do Pass With Amendments. (Printed A-Eng.)

Meeting Dates: 04/07

Vote:

Yeas: 5 - Burdick, Gelser, Kruse, Prozanski, Thatcher

Prepared By: Channa Newell, Counsel

WHAT THE MEASURE DOES:

Prohibits prosecuting attorney from charging defendant fee for performing duties associated with processing order to set aside conviction or record of arrest.

ISSUES DISCUSSED:

- Some counties allow District Attorney to charge processing fee on top of other expunction fees
- Current fees include \$252 filing fee and \$80 fingerprint processing fee
- Many fees charged by courts are not specifically authorized by statute
- Effects of amendment

EFFECT OF COMMITTEE AMENDMENT:

Replaces original measure.

BACKGROUND:

Oregon Revised Statute 137.225 outlines the steps for a defendant to have a conviction set aside or the record of arrest set aside. The steps include sending a full set of defendant's fingerprints to the office of the prosecuting attorney, who forwards the prints to the State Police. The defendant pays an \$80 fee to the State Police. There have been reports of some offices charging an additional fee for processing fingerprints.

SB 363 A prohibits a district attorney from charging an extra fee for performing duties associated with processing expunctions.