

STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 04/21/15

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

Meeting Dates: 04/02, 04/21

Vote:

Yeas: 4 - Burdick, Gelser, Kruse, Prozanski

Nays: 1 - Thatcher

Prepared By: Eric Deitrick, Counsel

WHAT THE MEASURE DOES:

Modifies expungement statute. Prohibits otherwise eligible offenders from seeking expungement for ten years if their probationary sentence was revoked for non-compliance. Prohibits expungement of Assault 3 if the victim was under the age of 10 at the time of the offense. Adds Class B felony possession of controlled substance offenses to list of expungable offenses. Allows offenders to seek expungement even if they have one non-traffic violation in the last ten years. Eliminates repetitive and duplicative language.

ISSUES DISCUSSED:

- Impact of bill on youth seeking expungement
- Amendment drafted by Oregon District Attorney Association and Oregon Criminal Defense Lawyer Association

EFFECT OF COMMITTEE AMENDMENT:

Replaces measure.

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 A modifies provisions of this statute and eliminates certain repetitive language.