

**Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session**  
**STAFF MEASURE SUMMARY**  
**House Committee On Judiciary**

**MEASURE: SB 908 B**  
**CARRIER: Rep. Olson**

**Fiscal:** Has minimal fiscal impact

**Revenue:** No Revenue Impact

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**Action Date:** 05/20/15

**Action:** Do Pass As Amended And Be Printed Engrossed.

**Meeting Dates:** 05/19, 05/20

**Vote:**

Yeas: 8 - Barker, Barton, Greenlick, Krieger, Lininger, Olson, Post, Williamson

Nays: 1 - Sprenger

**Prepared By:** Eric Deitrick, Counsel

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**WHAT THE MEASURE DOES:**

Modifies expungement statute. Prohibits offenders from seeking expungement for ten years if probationary sentence was revoked for non-compliance. Prohibits expungement of Assault 3 if victim was under 10 years of age at time of offense. Adds Class B felony possession of controlled substance offenses to list of expungable offenses. Allows one non-motor vehicle violation without re-tolling expungement period. Eliminates repetitive and duplicative language.

**ISSUES DISCUSSED:**

- Bill is product of work group including representatives of Oregon District Attorneys Association and Oregon Criminal Defense Lawyers Association
- Each side made two concessions
- Expungement statute is complicated

**EFFECT OF COMMITTEE AMENDMENT:**

Replaces “traffic violation” with “motor vehicle violation” to be consistent with original statute.

**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 conviction, or more than one. Certain convictions require twenty years. If an offender commits any offense within that time period (excluding motor vehicle violations), the time period starts over again and requires an additional period of offense free behavior.

Senate Bill 908-B is the product of a work group including representatives of the Oregon District Attorneys Association and the Oregon Criminal Defense Lawyers Association. It contains concessions made by each side and eliminates certain repetitive language in the current statute.