

SB 497 -2 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 2/16, 4/6

WHAT THE MEASURE DOES:

Defines "arrest" for purpose of motion to set aside arrest record.

ISSUES DISCUSSED:

Effort to clarify what records can be set aside

Current law unclear as to whether record of allegation can be expunged

Effects of proposed -2 amendment

EFFECT OF AMENDMENT:

-2 Removes definition of "arrest" from bill. Adds "criminal citation" and "criminal charge" as records that can be expunged by a court.

BACKGROUND:

Under ORS 137.225(1)(b), an individual may file a motion to set aside a record of arrest under certain circumstances. The individual may file the motion any time after an acquittal or dismissal of the charge or, if no charge was filed, one year after the date of arrest.

Senate Bill 497 defines arrest to clarify what actions can be expunged from an individual's record. Under SB 947, arrest means any action that results in the creation of an official record alleging the commission of an offense. For the purpose of a motion to set aside, it does not matter whether that individual was ever taken into custody.