

**SB 497 STAFF MEASURE SUMMARY**

**Senate Committee On Judiciary**

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**Prepared By:** Michael Lantz, LPRO Analyst

**Meeting Dates:** 2/16

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**WHAT THE MEASURE DOES:**

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

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

No amendment.

**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. SB 497 clarifies that 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.