

**HB 2698 STAFF MEASURE SUMMARY**

**House Committee On Judiciary**

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**Prepared By:** Josh Nasbe, Counsel

**Meeting Dates:** 3/9

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**WHAT THE MEASURE DOES:**

Allows person with more than one conviction in preceding ten years to file motion to set aside a conviction three years after judgment, if other convictions arise out of same criminal episode.

*REVENUE: May have revenue impact, but no statement yet issued*

*FISCAL: May have fiscal impact, but no statement yet issued*

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

Persons convicted of certain crimes who have fully complied with and performed the sentence of the court are eligible to file a motion to set aside their conviction. Although technically a misnomer, the process of setting aside a conviction is often referred to as an expungement. See *State v. Langan*, 301 Or. 1, n.3 (1986) (noting that, while the record of conviction is sealed, it remains available for later use in limited circumstances).

Currently, a qualifying individual may file a motion to set aside a conviction three years after the conviction, provided that the individual has not been convicted of any other crime within the preceding ten years. House Bill 2698 would apply a three-year limit, rather than a ten-year limit, when multiple convictions arise from the same criminal episode.