

SB 497 A STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary

Action Date: 04/13/17

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Adds "criminal citation" and "criminal charge" as records that can be expunged by court.

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:

Replaces measure.

BACKGROUND:

When an individual is arrested, charged or cited, a permanent court record is created. 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 497A adds "criminal citation" and "criminal charge" as records that can be expunged by a court. In doing so, SB 497A clarifies that an individual did not have to be taken into custody in order to be eligible to have their record expunged.