

**SB 507 STAFF MEASURE SUMMARY**

**Carrier:** Sen. Manning Jr

**Senate Committee On Judiciary**

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**Action Date:** 04/13/17

**Action:** Do pass.

**Vote:** 5-0-0-0

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

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Josh Nasbe, Counsel

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**WHAT THE MEASURE DOES:**

Clarifies general rule that conviction for Class C felony may be set aside by court.

**ISSUES DISCUSSED:**

- Technical fix
- Clarity for courts and legal practitioners

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

In 2015, the Legislative Assembly consolidated two separate provisions of law authorizing Class C felonies to be "set aside" or expunged. See section 32a (5)(b) and (d), chapter 820, Oregon Laws 2015. The consolidated text now provides that a conviction may be expunged if it is for any "crime punishable as a misdemeanor, including judgment of conviction for a misdemeanor pursuant to ORS 161.705." ORS 161.705, in turn, authorizes a court to reduce a Class C felony to a Class A misdemeanor. A Class C felony is thus *punishable* as a Class A misdemeanor within the meaning of the expungement statute. Senate Bill 507 clarifies that, in the ordinary case, a Class C felony may be expunged.