

SB 497 A STAFF MEASURE SUMMARY

Carrier: Rep. Lininger

House Committee On Judiciary

Action Date: 05/15/17

Action: Do Pass the A-Eng bill.

Vote: 11-0-0-0

Yeas: 11 - Barker, Gorsek, Greenlick, Lininger, Olson, Post, Sanchez, Sprenger, Stark, Vial, Williamson

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Michael Lantz, LPRO Analyst

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
- Addresses records that exist, even if individual is not actually arrested
- Language result of joint agreement between defense attorneys and district attorneys

EFFECT OF AMENDMENT:

No amendment.

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 the record expunged.