

Senator Michael Dembrow  
District 23 (NE/SE Portland)



Oregon Legislative Assembly

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Testimony on LC 57

One of the most important features of our Juvenile Justice system is the ability of juvenile offenders to have their records cleared (expunged) after they have done their diversion, performed public service, served their time, or otherwise done what they needed to do. Getting one's record cleared is an important component of successful reentry and a second chance.

If they are not able to have their records expunged, juveniles face a number of collateral consequences later in their lives. It can keep them from getting a job, housing, an occupational license, entry into the military, and even entry into college.

Oregon law generally requires expunction to be ordered if five years have passed since the youth's involvement in the system, as long as she or he has not reoffended and has applied to the court in the required manner.

Unfortunately, the current court process is unduly and unnecessarily complicated, difficult to navigate, and expensive for both the state and the individual. As a result, only 4% of eligible youth successfully apply for and make it through the system each year.

In 2014, the Juvenile Law Center's national evaluation of juvenile expunction statutes scored Oregon below the national average on access and availability factors. As a vehicle for successful reentry, Oregon's expunction system remains broken.

LC 57 is a long-overdue step towards simplifying and modernizing this process. It's the result of a six-month workgroup effort that included legislators, district attorneys, judges, OYA, Juvenile Justice departments, the Courts, and advocates. In order to reach consensus, the decision was made to begin with the "easiest" offenses—those for which the individual never had a petition filed in juvenile court or never came under the jurisdiction of the juvenile court (the juvenile equivalent of never having charges filed or never having been "found guilty"). For them, expunction would be automatic as long as they have not reoffended. Future work groups will continue this work and seek consensus on how to handle the more serious cases where the juvenile has been found to be under the jurisdiction of the court.

**The key features of LC 57 include the following:**

- Creates a procedure for automatic expunction of juvenile records after the youth has turned 18 for cases that never came under the jurisdiction of the court.
- Expunction can be either by complete destruction of the record or sealing of the record.
- Provides access to an attorney (via Public Defense) for help in seeking expunctions that may require a court hearing.
- Modifies and clarifies the process for applying for court-ordered expunction for other offenses.
- Directs the Oregon Youth Authority (in collaboration with Juvenile Justice Departments and the Judiciary) to report to the Legislature on the effects of this new process and recommendations for expanding it.