

SB 388 -1 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 2/13

WHAT THE MEASURE DOES:

Directs the Governor's office to notify the presiding judge of the circuit court where a conviction occurred within 10 days of granting a pardon. Requires the presiding judge to issue an order sealing the records of conviction. Directs the clerk of the court to forward a certified copy of the order to other agencies at the court's request.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Replaces measure.

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Directs the Governor's office to notify the presiding judges of the circuit courts where convictions occurred for all individuals pardoned in the last five years. Directs courts to seal the records of convictions for those individuals.

Allows individual pardoned prior to five years ago to file a written request with the Governor's office to notify the court of conviction for purposes of sealing the records of conviction.

Ensures that the records of the pardon, including the records held by the Secretary of State and presented to the Legislature, remain public record.

BACKGROUND:

Article V, section 14 of the Oregon Constitution grants the Governor the authority to grant reprieves, commutations, and pardons after conviction. It also requires that the Governor report the details of each reprieve, commutation and pardon to Legislature.

Oregon statutes create a process by which an individual can request a pardon and provides detailed requirements for the Governor's legislative report on these matters. See ORS 144.650 and ORS 144.660. Statute also requires the Governor, within 10 days of a granting a pardon, to file all papers related to that pardon with the Secretary of State where they are kept as public records open to public inspection. ORS 144.670.

After a pardon has been granted, there is no process in place to ensure that the pardoned individuals record of conviction is sealed.

Senate Bill 388 provides a process for sealing the records of an individual's conviction, including records of arrest, citation, charge and conviction, after a gubernatorial pardon.