

**SB 1001 STAFF MEASURE SUMMARY**

**Senate Committee On Judiciary**

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**Action Date:** 04/09/19

**Action:** Without recommendation as to passage and be returned to President's desk for referral to another committee.

**Vote:** 7-0-0-0

**Yeas:** 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

**Prepared By:** Gillian Fischer, Counsel

**Meeting Dates:** 4/8, 4/9

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**WHAT THE MEASURE DOES:**

Directs the State Court Administrator to study issues relating to court records and report to an appropriate committee or interim committee of the Legislative Assembly no later than December 31, 2020.

**ISSUES DISCUSSED:**

- Grand jury as a judicial function court is appropriate place to store records
- Needs careful consideration of circumstances under which records should be unsealed

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

ORS 137.225 governs considerations for setting aside conviction or record of arrest after a request is received by the prosecuting attorney. A copy of the motion and a full set of the defendant's fingerprints shall be served upon the office of the prosecuting attorney who prosecuted the crime or violation, or who had authority to prosecute the charge if there was no accusatory instrument filed, and opportunity shall be given to contest the motion. The fingerprint card with the notation "motion for setting aside conviction," or "motion for setting aside arrest, citation or charge record" as the case may be, shall be forwarded to the Department of State Police. Information resulting from the fingerprint search along with the fingerprint card shall be returned to the prosecuting attorney. Included in the listed considerations for eligibility for a set aside is whether or not the movant has previously had a conviction, arrest, citation or charge that has been set aside under this section. Currently, a prosecuting attorney, in order to comply with the statutory considerations as directed, must confirm whether an individual has previously set aside a conviction which requires a motion of any prosecutor or defendant in a case involving records sealed under this section, supported by affidavit showing good cause, the court with jurisdiction may order the reopening and disclosure of any records sealed under this section for the limited purpose of assisting the investigation of the movant. However, such an order has no other effect on the orders setting aside the conviction or the arrest, citation, or charge record.

SB 1001 directs the court study court records.