

SB 388 B STAFF MEASURE SUMMARY**Carrier:** Rep. Williamson**House Committee On Judiciary****Action Date:** 05/08/19**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 8-2-1-0**Yeas:** 8 - Bynum, Gorsek, Greenlick, McLane, Piluso, Power, Stark, Williamson**Nays:** 2 - Barker, Lewis**Exc:** 1 - Sprenger**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Addie Smith, Counsel**Meeting Dates:** 5/6, 5/8**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. Requires the Governor's office to notify the presiding judges of the circuit courts in which convictions occurred for all individuals pardoned in the last five years. Directs courts to seal the records of convictions for those individuals. Allows individuals pardoned more than five years ago to file written requests with the Governor's office to notify the court of conviction for purposes of sealing the records of conviction. Provides victim with notice and an opportunity to provide information to the Governor when a pardon application is filed. Requires the District Attorney to provide certain documents to the Governor for consideration with the pardon application. Provides notice to the victim if a pardon is granted and records are to be sealed. Ensures that the records of the pardon, including the records held by the Secretary of State and presented to the Legislative Assembly, remain public record. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Importance to victims of notice and the opportunity to provide the Governor with information
- Effects of sealing a record
- Retention of record by the Secretary of State's office
- Authority of the Governor and separation of powers

EFFECT OF AMENDMENT:

Provides victim with notice and an opportunity to provide information to the Governor when a pardon application is filed. Requires the District Attorney to provide certain documents to the Governor for consideration with the pardon application. Provides notice to the victim if a pardon is granted and records are to be sealed. Declares emergency, effective on passage.

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 the Legislative Assembly. Oregon statutes create a process by which an individual can request a pardon and provide detailed requirements for the Governor's legislative report on these matters. See ORS 144.650 and ORS 144.660. The Governor must, within 10 days of granting a pardon, 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 individual's record of conviction is sealed.

SB 388 B STAFF MEASURE SUMMARY

Senate Bill 388 B provides a process for sealing the records of an individual's conviction after a gubernatorial pardon, provides provision for victim notification and input into the pardon process, and requires district attorneys to provide certain records to the Governor's office after the submission of a pardon application.