

A-Engrossed
Senate Bill 873

Ordered by the Senate April 24
Including Senate Amendments dated April 24

Sponsored by Senators FAGAN, FREDERICK; Senator MANNING JR (at the request of Troy Pickard)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Allows defendant in eviction action to apply for order setting aside judgment.

A BILL FOR AN ACT

Relating to expungement of eviction records.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS 105.105 to 105.168.

SECTION 2. (1) A person who was a defendant in an action under ORS 105.105 to 105.168 may apply by motion to the court where the judgment was entered for an order setting aside the judgment and sealing the official records of the action pertaining to the applicant. The court shall grant the motion if the court finds that:

(a) The judgment was a judgment of restitution entered against the applicant, a period of at least five years has passed from the date of entry of the judgment and the applicant has satisfied any money award included in the judgment;

(b) The judgment was a judgment by stipulation of the parties under ORS 105.145 (2) and the applicant has complied with the terms of the stipulated agreement and satisfied any money award included in the judgment; or

(c) The judgment was a judgment or judgment of dismissal entered in the applicant's favor.

(2) The applicant shall serve a copy of the motion filed under subsection (1) of this section upon the person who was the plaintiff in the action under ORS 105.105 to 105.168. Within 30 days of service of the motion, if a written objection is filed, the court shall schedule a hearing.

(3) If, under subsection (2) of this section, no objection is filed or after a hearing the court determines that the applicant is eligible for relief under subsection (1) of this section, the court shall enter an appropriate order setting aside the judgment and sealing the official records of the action pertaining to the applicant. Upon entry of the order, the judgment that is the subject of the motion shall be deemed not to have been entered, and the applicant may answer accordingly any questions relating to its occurrence.

(4) The court may not charge a filing fee for the filing of a motion under subsection (1) of this section.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

