

Senate Bill 873

Sponsored by Senators FAGAN, FREDERICK (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 **as introduced**.

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

A BILL FOR AN ACT

1
2 Relating to expungement of eviction records.

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

4 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS 105.105 to**
5 **105.168.**

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

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

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

16 (c) **The judgment was a judgment or judgment of dismissal entered in the applicant's fa-**
17 **vor.**

18 (2) **The applicant shall serve a copy of the motion filed under subsection (1) of this sec-**
19 **tion upon the person who was the plaintiff in the action under ORS 105.105 to 105.168. The**
20 **court shall hear the motion and provide the person an opportunity to contest the applicant's**
21 **eligibility for relief.**

22 (3) **Upon hearing the motion, the court may require the filing of such affidavits and may**
23 **require the taking of such proofs as the court deems proper. If the court determines that**
24 **the applicant is eligible for relief under subsection (1) of this section, the court shall enter**
25 **an appropriate order setting aside the judgment and sealing the official records of the action**
26 **pertaining to the applicant. Upon entry of the order, the judgment that is the subject of the**
27 **motion shall be deemed not to have been entered, and the applicant may answer accordingly**
28 **any questions relating to its occurrence.**

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

31 **SECTION 3. Section 2 of this 2019 Act applies to any judgment entered before, on or after**
32 **the effective date of this 2019 Act.**

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.

