



Legislative Testimony

OREGON DEPARTMENT OF CORRECTIONS

May 4, 2021

The Honorable Floyd Prozanski, Chair
Senate Committee on Judiciary and Ballot Measure 110 Implementation

Re: House Bill 2048

Chair Prozanski and members of the committee, I am Nathaline Frener, Assistant Director of the Correctional Services Division for the Oregon Department of Corrections (DOC). I am writing in support of HB 2048.

What the Bill Does:

HB 2048 will require the court to provide DOC with all set aside orders approved by the court.

Background Information:

Oregon Revised Statute (ORS) 137.225 (4) requires the court to provide a certified copy of any order to set aside record of conviction to DOC when the person has been in custody of DOC. DOC's Correctional Information System captures records for community corrections-supervised offenses. This includes offenses supervised by local control, probation sentences, and offenses for which community corrections solely collected supervision fees for the court.

Additionally, DOC's Offender Information and Sentence Computation Unit (OISC) serves as the central repository for all felony records and misdemeanor sex offense records for Oregon. OISC receives packets of information from community corrections when an offender completes supervision. DOC has responsibility to process set asides for DOC sentences as well as local control, probation, and offenses for which local control collected fees.

Current statute does not require set aside orders to be sent to DOC unless the individual has served time in DOC custody, even though DOC has records of the conviction as well as responsibility to process the set aside.

With Oregon's expansive public record laws and the advent of online background check companies, DOC regularly receives calls from former offenders who had their records set aside. While these callers' records were set aside, DOC was never provided a copy of the set aside order from the court. These individuals may have lost opportunities for housing, employment, and volunteering in their community due to the set aside not being processed.

HB 2048 is needed to require the courts to provide DOC with all set aside orders approved by the court. It will prevent former offenders who have complied with supervision and followed all the steps to have their record set aside from missing opportunities that, all but for DOC's records, they would be otherwise entitled.

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Requested Action:

For the reasons explained above, the department respectfully requests your support of HB 2048.

Thank you for your time and consideration. I am happy to answer any questions you may have.

Submitted by:

Oregon Department of Corrections

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