

SB 519 -2, -3, -4 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 3/2, 3/23

WHAT THE MEASURE DOES:

Directs the juvenile department to apply for automatic expunction of juvenile records for subjects who are found within the jurisdiction of the juvenile court for acts that, if committed by an adult, would constitute one or more violations or misdemeanors if: the subject has not been found to be within the jurisdiction of the juvenile court for an act that, if committed by an adult, would constitute a felony; the subject person does not owe restitution; the subject person has not been waived to criminal court and has not been convicted in criminal court. Directs the district attorney or the juvenile department to notify the victim of the automatic expunction process. Reduces number of years, from five to four years, that must elapse since most recent termination before the subject of a record or the juvenile department can apply for expunction for those who do not qualify for automatic expunction. Removes requirement of financial eligibility for court appointed counsel for a contested expungement hearing or a hearing for which expungement was denied. Reorders subsections. Takes effect on 91st day following adjournment sine die.

REVENUE: *No revenue impact*

FISCAL: *Has minimal fiscal impact*

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Adds requirement that if a person is requesting to expunge a record that is not eligible for the automatic expungement, owing restitution would disqualify the person's records from expungement.

-3 Requires that if the juvenile department grants an extension for an agency to expunge a record, the juvenile department must notify the juvenile court of the extension. Requires the application for expunction contain a declaration under penalty of perjury. Directs the Oregon Youth Authority to consult with the county juvenile departments, the state juvenile departments, and the state court administrator to develop statewide model expunction forms for juvenile departments. Requires a person to reach the age of 18 prior to applying to have their record expunged when they are not eligible for automatic expungement. Permits the juvenile department to destroy any records in the department's possession relating to a subject person's record of motor vehicle, boating, or game violation waived into criminal or municipal court, but the destruction does not constitute expunction. Requires the district attorney or juvenile department to notify the victim at or before adjudication of an act of the expunction process.

-4 Adds requirement that if a person is requesting to expunge a record that is not eligible for the automatic expungement, owing restitution would disqualify the person's records from expungement. Requires that if the juvenile department grants an extension for an agency to expunge a record, the juvenile department must notify the juvenile court of the extension. Requires the application for expunction contain a declaration under penalty of perjury. Directs the Oregon Youth Authority to consult with the county juvenile departments, the state juvenile departments, and the state court administrator to develop statewide model expunction forms for juvenile departments. Requires a person to reach the age of 18 prior to applying to have their record expunged when they

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are not eligible for automatic expungement. Permits the juvenile department to destroy any records in the department's possession relating to a subject person's record of motor vehicle, boating, or game violation waived into criminal or municipal court, but the destruction does not constitute expunction. Requires the district attorney or juvenile department to notify the victim at or before adjudication of an act of the expunction process.

BACKGROUND:

A juvenile is found to be within the jurisdiction of the juvenile court when they are found to have committed an act that, if it were committed by an adult, would constitute a violation or misdemeanor. This adjudication creates a record and can be accessed by potential employers, landlords, and others. The current process for expungement of juvenile records is found in ORS 419A.260-419A.265. After expungement, a person can legally state the record of adjudication never existed. The automatic expungement process provided for in the measure would apply to youth who reach the age of 18 and have been adjudicated for a crime that would constitute a violation or misdemeanor if committed by an adult, have paid their restitution, and have not been waived to criminal (adult) court. During the 2021 regular session, SB 575 permitted automatic expungement for juvenile records for those youth who had been in contact with the juvenile department, but had never been referred.

Senate Bill 519 would expand automatic expungement to include records for youth who have been found to be within the jurisdiction of juvenile court for acts that, if committed by an adult, would constitute a violation or misdemeanor and would reduce the number of years a youth can apply for expungement of records that do not qualify for automatic expungement.