

SENATE AMENDMENTS TO SENATE BILL 519

By COMMITTEE ON JUDICIARY

March 31

1 On page 3 of the printed bill, line 19, after the period insert “If the juvenile department grants
2 an extension under this paragraph, the juvenile department shall notify the juvenile court of the
3 extension.”.

4 In line 36, after the period insert “The application must include a declaration under penalty of
5 perjury as described in ORCP 1 E.”.

6 In line 41, after “departments” insert “and the State Court Administrator”.

7 On page 4, line 36, after “termination” insert “and the person has attained 18 years of age”.

8 In line 42, after the semicolon delete the rest of the line.

9 In line 44, delete the period and insert “; and

10 “(f) The person does not owe restitution.”.

11 On page 7, line 42, after the period insert “If the juvenile department grants an extension under
12 this paragraph, the juvenile department shall notify the juvenile court of the extension.”.

13 On page 8, line 28, after “department” insert “in the county where the subject person resided
14 at the time of the most recent contact”.

15 On page 9, delete lines 24 through 45.

16 On page 10, delete lines 1 through 18 and insert:

17 “**SECTION 7.** ORS 419A.269 is amended to read:

18 “419A.269. (1) Upon issuance of a notice of expunction under ORS 419A.267 or entry of an
19 expunction judgment under ORS 419A.262 **or section 2 of this 2023 Act**, the contact that is the
20 subject of the expunged record may not be disclosed by any agency. An agency that is subject to a
21 notice of expunction or an expunction judgment shall respond to any inquiry about the contact by
22 indicating that no record or reference concerning the contact exists.

23 “(2) A person who is the subject of a record that has been expunged under ORS 419A.262 or
24 419A.267 **or section 2 of this 2023 Act** may assert that the record never existed and that the con-
25 tact that was the subject of the record never occurred without incurring a penalty for perjury or
26 false swearing under the laws of this state.

27 “(3)(a) [*Upon the juvenile department’s expunction of a subject person’s records under ORS*
28 *419A.262 or 419A.267,*] The juvenile department may destroy any records in the juvenile
29 department’s possession relating to the subject person’s contact under ORS 419B.100 if the records
30 are duplicate copies of records maintained by the Department of Human Services. The destruction
31 of records related to the subject person’s contact under ORS 419B.100 pursuant to this [*subsection*]
32 **paragraph** does not constitute expunction.

33 “(b) **The juvenile department may destroy any records in the juvenile department’s pos-**
34 **session relating to the subject person’s record of a motor vehicle, boating or game violation**
35 **waived to the criminal or municipal court pursuant to ORS 419C.370. The destruction of re-**

1 **ords related to the subject person’s record of a motor vehicle, boating or game violation**
2 **pursuant to this paragraph does not constitute expunction.**

3 “(4) Juvenile courts, by court rule or by order related to a particular matter, may direct that
4 records concerning a subject person be destroyed. No records may be destroyed until at least three
5 years have elapsed after the date of the subject’s most recent termination. In the event the record
6 has been expunged, the expunction judgment and list of complying and noncomplying agencies may
7 not be destroyed, but shall be preserved under seal. The destruction of records under this sub-
8 section does not constitute expunction.

9 “(5) A notice of expunction or an expunction judgment and the list of complying and noncom-
10 plying agencies shall be disclosed only on order of the court that would have had jurisdiction to
11 compel compliance with the notice of expunction or that originated the expunction judgment, based
12 on a finding that review of a particular case furthers compliance with the expunction provisions of
13 ORS 419A.260 to 419A.271.

14 “(6) A person who, in the person’s official capacity with a juvenile department, sends a notice
15 of expunction for an ineligible individual or fails to send a notice of expunction for an eligible in-
16 dividual under ORS 419A.267 has immunity from any liability, civil or criminal, that might otherwise
17 be incurred or imposed for making the disclosure or failing to make the disclosure, except when the
18 person who sends the notice has knowledge that the individual is ineligible or when the person who
19 fails to send the notice has knowledge that the individual is eligible.

20 “(7) A person subject to a notice of expunction or expunction judgment has a right of action
21 against any person who intentionally violates the confidentiality provisions of this section. In the
22 proceeding, punitive damages up to an amount of \$1,000 may be sought in addition to any actual
23 damages. The prevailing party shall be entitled to costs and reasonable attorney fees.

24 “(8) Intentional violation of the confidentiality provisions of this section by a public employee
25 is cause for dismissal.

26 “(9) A person who releases all or part of an expunged record commits a Class A violation.”.

27 On page 11, delete lines 21 and 22 and insert:

28 “(c) The district attorney or the juvenile department shall notify the victim at or before the time
29 of adjudication of an act that, if committed by an adult, would constitute a violation or misdemeanor
30 of the expunction process under section 2 of this 2023 Act.”.

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