

Requested by Senator PROZANSKI

**PROPOSED AMENDMENTS TO  
SENATE BILL 519**

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

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

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

8 On page 4, line 36, after “termination” insert “and the person has attained  
9 18 years of age”.

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

11 In line 44, delete the period and insert “; and  
12 “(f) The person does not owe restitution.”.

13 On page 7, line 42, after the period insert “If the juvenile department  
14 grants an extension under this paragraph, the juvenile department shall no-  
15 tify the juvenile court of the extension.”.

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

18 On page 9, delete lines 24 through 45.

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

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

21 “419A.269. (1) Upon issuance of a notice of expunction under ORS

1 419A.267 or entry of an expunction judgment under ORS 419A.262 **or section**  
2 **2 of this 2023 Act**, the contact that is the subject of the expunged record  
3 may not be disclosed by any agency. An agency that is subject to a notice  
4 of expunction or an expunction judgment shall respond to any inquiry about  
5 the contact by indicating that no record or reference concerning the contact  
6 exists.

7 “(2) A person who is the subject of a record that has been expunged under  
8 ORS 419A.262 or 419A.267 **or section 2 of this 2023 Act** may assert that the  
9 record never existed and that the contact that was the subject of the record  
10 never occurred without incurring a penalty for perjury or false swearing  
11 under the laws of this state.

12 “(3)(a) [*Upon the juvenile department’s expunction of a subject person’s*  
13 *records under ORS 419A.262 or 419A.267,*] The juvenile department may de-  
14 stroy any records in the juvenile department’s possession relating to the  
15 subject person’s contact under ORS 419B.100 if the records are duplicate  
16 copies of records maintained by the Department of Human Services. The de-  
17 struction of records related to the subject person’s contact under ORS  
18 419B.100 pursuant to this [*subsection*] **paragraph** does not constitute  
19 expunction.

20 “(b) **The juvenile department may destroy any records in the juve-**  
21 **nile department’s possession relating to the subject person’s record of**  
22 **a motor vehicle, boating or game violation waived to the criminal or**  
23 **municipal court pursuant to ORS 419C.370. The destruction of records**  
24 **related to the subject person’s record of a motor vehicle, boating or**  
25 **game violation pursuant to this paragraph does not constitute**  
26 **expunction.**

27 “(4) Juvenile courts, by court rule or by order related to a particular  
28 matter, may direct that records concerning a subject person be destroyed.  
29 No records may be destroyed until at least three years have elapsed after the  
30 date of the subject’s most recent termination. In the event the record has

1 been expunged, the expunction judgment and list of complying and noncom-  
2 plying agencies may not be destroyed, but shall be preserved under seal. The  
3 destruction of records under this subsection does not constitute expunction.

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

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

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

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

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

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

29 “(c) The district attorney or the juvenile department shall notify the vic-  
30 tim at or before the time of adjudication of an act that, if committed by an

1 adult, would constitute a violation or misdemeanor of the expunction process  
2 under section 2 of this 2023 Act.”.

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