

Requested by Senator MANNING JR

**PROPOSED AMENDMENTS TO
SENATE BILL 698**

1 On page 1 of the printed bill, delete lines 5 through 24.

2 On page 2, delete lines 1 through 33 and insert:

3 **“SECTION 1. (1) As used in this section, ‘eligible record’ means an**
4 **official record of a criminal case that meets the following require-**
5 **ments:**

6 **“(a) All convictions associated with the case are for crimes other**
7 **than person felonies and person Class A misdemeanors, as those terms**
8 **are defined in the rules of the Oregon Criminal Justice Commission.**

9 **“(b) The person who is the subject of the record is not the subject**
10 **of a court order under ORS 107.700 to 107.735, 124.005 to 124.040, 163.760**
11 **to 163.777 or 166.525 to 166.543.**

12 **“(c) The person has fully paid any restitution ordered as a sentence**
13 **on all convictions associated with the case.**

14 **“(d) All convictions associated with the case are eligible to be set**
15 **aside under ORS 137.225, except that:**

16 **“(A) The applicable time periods described in ORS 137.225 (1)(b) shall**
17 **be calculated from the date of final disposition instead of the date of**
18 **conviction or the date of release from imprisonment.**

19 **“(B) The fact that the person who is the subject of the record is**
20 **servng a sentence of imprisonment or had a sentence of probation**
21 **revoked does not affect the person’s eligibility to have records sealed**

1 under this section.

2 “(C) Pending charges, subsequent convictions entered in municipal
3 court or in another state, and subsequent arrests do not affect the
4 person’s eligibility to have records sealed under this section.

5 “(2) The Judicial Department shall develop and implement an au-
6 tomated system for identifying eligible records within the electronic
7 court record database maintained by the department.

8 “(3)(a) The Judicial Department shall identify all eligible records
9 within the electronic court record database maintained by the depart-
10 ment that were created on or after January 1, 2017, and prior to Feb-
11 ruary 1, 2025, and shall send a bulk digital file of the records to the
12 Department of State Police for the purposes of matching those records
13 with records of the Department of State Police.

14 “(b) No later than 24 months after the effective date of this 2023
15 Act, the Judicial Department shall provide a list of the eligible records
16 to the presiding judge of the judicial district from which the record
17 originated.

18 “(4)(a) Beginning March 1, 2025, and on the first of each month
19 thereafter, the Judicial Department shall identify:

20 “(A) All records created during the previous month that are eligible
21 records; and

22 “(B) All records that have become eligible records during the pre-
23 vious month.

24 “(b) The department shall, within 15 days of identifying the records,
25 provide a bulk digital file of the eligible records to:

26 “(A) The Department of State Police, for the purposes of matching
27 those records with records of the Department of State Police.

28 “(B) The presiding judge of the judicial district from which the re-
29 cord originated.

30 “(5) If there is insufficient information in court records for the

1 **Judicial Department to definitively determine whether a record is an**
2 **eligible record:**

3 **“(a) The department shall presume that any record concerning a**
4 **violation or misdemeanor is an eligible record if no action has been**
5 **taken and no proceeding has occurred concerning the offense during**
6 **the previous five years.**

7 **“(b) The department shall presume that any record concerning a**
8 **felony is an eligible record if no action has been taken and no pro-**
9 **ceeding has occurred concerning the offense during the previous 10**
10 **years.**

11 **“(6)(a) Within 30 days of receiving a bulk digital file of eligible re-**
12 **ords under subsection (3) or (4) of this section, a presiding judge of**
13 **a judicial district shall determine which of the eligible records the**
14 **Department of State Police was able to match, and shall issue an order**
15 **sealing the electronic case management records pertaining to each**
16 **matched case.**

17 **“(b) The State Court Administrator shall forward a bulk digital file**
18 **of eligible records that have been sealed under this section to:**

19 **“(A) The Department of Corrections;**

20 **“(B) The Department of State Police; and**

21 **“(C) Such other agencies as determined by the court.**

22 **“(c) Upon entry of the order, the conviction shall be deemed not to**
23 **have occurred, and the person who is the subject of the eligible record**
24 **may answer accordingly any questions relating to its occurrence.**

25 **“(7) Notwithstanding subsection (6) of this section, a person who**
26 **has had an eligible record automatically sealed under this section re-**
27 **tains the ability to access the record without charge and without being**
28 **required to file a petition or obtain a court order.**

29 **“(8) The Judicial Department shall establish a website that:**

30 **“(a) Allows a person to confidentially determine whether the**

1 **person’s eligible record has been automatically sealed under this sec-**
2 **tion.**

3 **“(b) Provides information on how a person who has had an eligible**
4 **record automatically sealed under this section may obtain a copy of**
5 **the order sealing the record.**

6 **“(9) The Judicial Department may:**

7 **“(a) Enter into interagency agreements to carry out the provisions**
8 **of this section.**

9 **“(b) Contract with a third party for the development of the auto-**
10 **mated system to identify eligible records.**

11 **“(10) Nothing in this section affects the ability of a person to apply**
12 **to the court for entry of an order setting aside a conviction under ORS**
13 **137.225.**

14 **“(11) As used in this section, ‘seal’ means to restrict access to all**
15 **electronic case management records pertaining to a case.”.**

16 On page 5, line 20, after “Department” insert “, the Department of State
17 Police”.

18 In line 22, delete “department” and insert “departments”.

19 In line 24, delete “department” and insert “departments”.

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