



March 2, 2023

Re: Support for SB 697&698

Dear Chair Prozanski, Vice Chair Thatcher, and Members of the Committee,

My name is Daniel Sims, I am a paralegal at the PCC CLEAR Clinic, here to submit testimony on its behalf. The PCC CLEAR Clinic provides free limited-scope legal services, including criminal record expungement. We have provided expungement services to thousands of people, but there are thousands more who are eligible for expungement that we have been unable to reach due to our capacity, our geographic location, or our lack of connection to all communities. The people least likely to be able to access our services are the people who are historically most pushed to the margins- people with disabilities, rural Oregonians, immigrants, refugees, and more.

I fear there have been many people who come to the clinic for expungement services for whom the filing fees, fingerprinting, and court filing requirements were insurmountable barriers to realizing the right they have under the law to clear their record. This legal right is meaningless when it is not accessible to our community members. SB 697 and 698 go a long way toward making people's legal right to expungement a practical reality, by making some technical fixes to Oregon's expungement law, and by automating expungement of non-person crimes (carve outs exempting person crimes are in forthcoming amendments to the bill).

It bears repeating time and time again that at every stage of our criminal legal system, Black, brown, and low-income people are vastly over-represented. From racial profiling, to over-policing, to mass incarceration, too many of our most marginalized community members end up saddled with a criminal record that follows them long after they have fulfilled their sentence. These criminal records, in conjunction with poverty and other forms of

marginalization, create a second class citizen status that prevents people from accessing anything but the lowest quality of housing and employment. They prevent our whole community from reaping the rewards of everyone's diverse and amazing talents. By limiting people's opportunities for safe and secure housing, employment and educational opportunities, public benefits, immigration status, and so much more, criminal records present an insurmountable barrier to reentry into society. Increasing access to criminal record expungement through SB 697 & 698 is an act of social and racial justice.

I want to thank the legislature for taking the step toward equality and accessibility in Oregon's expungement laws in SB 397 in 2021. SB 697 & 698 present an opportunity for the legislature to take the next step toward these goals. SB 697 will provide technical fixes to the current law, such as removing the outdated and onerous fingerprinting requirement that holds many people back from expungement, and removing fines and fees as a barrier to expungement that keeps the lowest-income Oregonians from clearing their records. I have lost count of the number of times that clinic participants have explained that they cannot pay off their court fines to access expungement because they cannot find a decent job due to their criminal record. SB 697 is an opportunity to end this vicious cycle that has left so many low-income people trapped in second class citizenship.

As the clinic's expert fingerprinter, I have taken the fingerprints of thousands of clinic participants, as well as people sent to the clinic specifically for fingerprinting by private attorneys and public defender's offices. Our services are only accessible to those who can travel into Portland at specific times, leaving thousands of people who are eligible for expungement unable to access it. This onerous fingerprinting requirement should be made unnecessary for the expungement of non-person crimes.

SB 698 provides for the automation of expungement of non-person crimes (in a forthcoming amendment to the bill), so that people who have served their sentence for non-person crimes do not have to go through the complicated, inaccessible and costly process of getting their records expunged. We at the CLEAR Clinic want to give all community members an opportunity to access their right under the law to liberation from their criminal records. The only way to do this equitably is through expungement automation.

The return on investment in these bills are immeasurable, because they are a true investment in the potential of our community. To heal from the devastation of mass incarceration and racialized policing and prosecution, one of the most important things we can do is remove

barriers to success and well-being, especially for the people who have been most marginalized in our community. This is exactly what SB 697 & 698 do, by making criminal record expungement more accessible, and making non-person criminal records automatically expungeable. Please join me in supporting the most vulnerable members of our community by making the investment in accessible and affordable criminal record expungement through SB 697 & 698.

Thank you,

Daniel Sims

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