

**PRELIMINARY STAFF MEASURE SUMMARY****CARRIER:**

Senate Committee on Judiciary

**REVENUE: No revenue impact****FISCAL: Minimal revenue impact, no statement issued****SUBSEQUENT REFERRAL TO:****Action:****Vote:****Yeas:****Nays:****Exc.:****Prepared By:** Eric Deitrick, Counsel**Meeting Dates:** 4/2, 4/14

**WHAT THE MEASURE DOES:** Removes violation offenses of possession of less than an ounce of marijuana and minor in possession of alcohol from list of offenses that prohibit or extend expungement timelines.

**ISSUES DISCUSSED:**

- Impact of bill on youth seeking expungement

**EFFECT OF COMMITTEE AMENDMENT:** Replaces measure. Prohibits an otherwise eligible offender from seeking expungement for ten years if their probationary sentence was revoked for non-compliance. Cleans up statute by eliminating certain duplications and repetitive language. Prohibits expungement of Assault 3 if the victim was under the age of 10 at the time of the offense. Adds Class B Felony PCS offenses to list of expungable offenses. Allows offender to seek expungement even if they have one non-traffic violation in the last ten years.

**BACKGROUND:** ORS 137.225 governs when a person can set aside, or “expunge,” a criminal conviction. First, the court must determine if the offense is a qualifying conviction. If it is, the next step is determining the time period required before an offender can seek expungement. In most situations, a person must wait either three years or ten years, depending upon whether the person has one, or more than one, conviction. If an offender commits any offense within that time period (excluding motor vehicle violations), the time period starts over again and requires an additional ten years of offense free behavior.

Senate Bill 908 removes two violation level offenses – possession of less than an ounce of marijuana and minor in possession of alcohol – from the list of offenses that preclude an expungement, and equates those violations with other motor vehicle violations for purposes of seeking an expungement.