

TO: Senate Committee on Judiciary
FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association
DATE: February 10, 2020
RE: Support for HB 1573– Expunction of certain juvenile records

Chair Prozanski, Vice Chair Thatcher, and Members of the Senate Committee on Judiciary,

OCDLA has been the leading voice for public defense policy in Oregon for over 40 years representing 1,200 providers statewide. Our members work with youth in the juvenile justice system, parents whose children have been removed, children in foster care, and adults in criminal justice system, appeals, civil commitments, and post-conviction relief proceedings. We serve our membership by offering extensive continuing legal education, training and educational resources to assist and guide defense providers. OCDLA advocates for legislation ensuring the rights of the accused, those involved in the juvenile justice system, and the attorneys, investigators and others who do this difficult work. Our members include private bar providers and investigators, employees of non-profit public defender offices as well as private bar consortia providers.

OCDLA supports SB 1573. It simplifies and modernizes the process for juveniles to have their records expunged, juveniles who never had a petition filed in juvenile court or never came under the jurisdiction of the juvenile court (the equivalent of never having charges filed or never having been “found guilty”). As long as the youth has not reoffended, expunction would be automatic. Under current law, the expunction process is complicated and expensive for both the state and the youth. Because of that, a very small percentage of youth who qualify to have their records expunged actually go through the process and are successful at getting their records expunged. Youth are capable of rehabilitation. Science shows that youth are particularly responsive to rehabilitative efforts and often “outgrow” their problematic behaviors.

Youth face a number of collateral consequences if they are not able to have their records expunged. These consequences can be a barrier to their reentry into the community and the beginning of their adulthood. Such consequences can impact their likelihood to get certain jobs, occupational licenses, entry into college, entry into the military, and housing. Collateral consequences make communities less safe. Studies show that individuals who are unable to find employment or attend school are more likely to commit crime or recidivate. Furthermore, having a juvenile record is more debilitating to youth of color than their white peers.

SB 1573 is a consensus bill which is the result of a workgroup that included legislators, district attorneys, judges, OYA, Juvenile Justice departments, the Courts, and advocates. The workgroup began with the easiest of offense – those in which no petition was filed and in which the youth never came within the jurisdiction of the court. OCDLA looks forward to continuing the collaboration and partnerships that have developed through this process as the future workgroup sessions look at the cases where the juvenile has been found to be under the jurisdiction of the court.

Respectfully submitted by,
Mae Lee Browning, J.D.
Oregon Criminal Defense Lawyers Association