

SB 1573 -5 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Addie Smith, Counsel

Meeting Dates: 2/10, 2/12

WHAT THE MEASURE DOES:

Directs juvenile departments to automatically expunge records of a juvenile who has had contact with a juvenile department that did not result in a petition being filed in juvenile court after the juvenile reaches 18 years of age. Directs juvenile department to file an application for automatic expunction with the court after a juvenile reaches 18 years of age if a juvenile has had contact with the juvenile department that resulted in a petition being filed, but without the juvenile court taking jurisdiction. Increases access to counsel for persons seeking to have their juvenile records expunged. Requires the Oregon Youth Authority, in collaboration with the Oregon Judicial Department and county juvenile departments, to report to the Legislative Assembly on juvenile expunctions and recommended legislative changes. Declares emergency; effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-5 Makes a series of technical corrections. Creates immunity for juvenile departments performing expunction notifications. Redefines the term expunction. Clarifies that only delinquency records, not dependency records may be automatically expunged. Changes penalty for releasing expunged information from Class C Misdemeanor to Class A violation and removes intentionality. Creates second report to the Legislative Assembly on implementation due by September 15, 2020. Includes appropriate to Oregon Youth Authority to support juvenile departments implementation of the automatic expunction provisions of the bill. Revises information to be contained in the second report to the Legislative Assembly on expunction and moves the due date to January 2, 2021.

BACKGROUND:

During the 2018-2019 interim, the Senate Judiciary Work Group on Reentry, Employment and Housing identified Oregon's juvenile expunction statutes as a key area of necessary reform. Specifically, they found that in addition to being complicated and confusing, Oregon's juvenile expunction statutes fail to meet national best practices with regard to timing, automation, and applicable offenses. As a product of these concerns, the work group learned of a number of instances in which Oregonians face barriers to successful reentry. These barriers are known as collateral consequences and can include barriers to education, employment, and housing.

At the end of 2019 session, the Senate Committee on Judiciary convened a workgroup on Juvenile Expunction to pick up where the Work Group on Reentry, Employment and Housing left off. The Juvenile Expunction Work Group is charged with: determining the entities who have possession or access to juvenile delinquency files and what information can lawfully be disclosed; identifying problems with the current expunction statute and process; reviewing national research on adolescent development, recidivism, and collateral consequences; examining national best practices; evaluating the laws, policies, and practices of sister states; and proposing a legislative concept that recognizes the purpose of Oregon's delinquency system and is designed to promote public safety, provide opportunities for reformation and rehabilitation, support a productive citizenry, and protect the rights of victims.

Senate Bill 1573 implements the first in a series of recommendations from the Juvenile Expunction Work Group. Specifically, it creates automatic processes for the expunction of juvenile records when individuals who were

never found to be under the jurisdiction of the juvenile court turn 18 years old. It also increases access to legal counsel for individuals seeking an expunction of a juvenile record when the juvenile did come under the jurisdiction of the juvenile court and creates a report back to the legislature regarding further necessary changes.

PRELIMINARY