

SB 1573 A -6 STAFF MEASURE SUMMARY

Joint Committee On Ways and Means

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Meeting Dates: 2/27

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. Creates immunity for juvenile departments performing expunction notifications. Provides counsel for persons seeking to have their juvenile records expunged. Changes penalty for releasing expunged information from Class C misdemeanor to Class A violation and removes intentionality. Requires the Oregon Youth Authority, in collaboration with the Oregon Judicial Department and county juvenile departments, to report to the Legislative Assembly once on the implementation of the bill and once on recommended legislative changes to juvenile record expunction laws and processes generally. Takes effect 91st day following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-6 The amendment removes a blank appropriation section from the measure.

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 Work Group on Juvenile Expunction to pick up where the Work Group on Reentry, Employment, and Housing left off. The Work Group on Juvenile Expunction 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 two reports back to the Legislative Assembly on juvenile record expunction.