

SB 575 -1 STAFF MEASURE SUMMARY

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

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Meeting Dates: 3/1

WHAT THE MEASURE DOES:

Requires a juvenile department (department) to initiate the expunction process for juvenile records relating to contact that did not result in referral to juvenile court, within 90 days of person turning age 18, or if person is 18 years or older by the operative date of the act, the date the department receives an expunction request from the qualifying person. Directs department to apply for expunction if juvenile had contact with the department but was never found to be under jurisdiction of the juvenile court. Requires the department to conduct a reasonable search of agencies that may be in possession of related files, and to notify those agencies of the duty to expunge the person's records. Provides liability immunity for a person, in their capacity with the department, if that person sends a notice of expunction for an ineligible individual or fails to send a notice of expunction for an eligible individual, unless the person acts with knowledge and intentionally violates confidentiality provisions. Creates a cause of action if those factors are met. If person is eligible to apply for expungement or a request for expungement has been denied, that person may request of the court, and if the person is financially eligible, requires the court to appoint counsel at state expense. Modifies definition of expunction. Directs the Oregon Youth Authority (OYA), in consultation with county juvenile departments to develop statewide model forms. Directs OYA to submit reports to the interim committee of the Legislative Assembly relating to juveniles by September 15, 2021 (preparation status) and January 2, 2022 (process, data and recommendations). Takes effect on the 91st day after sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Requires that for department to initiate or apply for expunction, the person must not have an open referral for a case by informal means and must not have had contact with the department resulting in a conviction as an offender waived to adult court. States that a department's destruction of a person's records is not expunction if those records are also maintained by the Department of Human Services under ORS 419B.100 (juvenile court jurisdiction in dependency cases). Provides additional extension of time for agencies to comply with expungement requirement in case of an audit or grievance under the Interstate Compact for Juveniles.

BACKGROUND: