

**HB 2134 STAFF MEASURE SUMMARY**

**House Committee On Judiciary**

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**Prepared By:** Michael Lantz, Counsel

**Meeting Dates:** 3/4

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**WHAT THE MEASURE DOES:**

Requires court to ensure that fingerprints of person convicted of any felony or misdemeanor are submitted to the Department of State Police (State Police). Creates requirements for what information must be submitted with fingerprints. Provides that during set aside process, prosecuting attorney shall review defendant's criminal history for discrepancies, file affidavit explaining any discrepancy found, and submit the affidavit to the State Police if applicable. Allows prosecuting attorney to submit an update the defendant's criminal record during the set aside process. Defines "positive identification." Allows State Police to adopt rules.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

When a person is convicted of a felony or certain misdemeanors in Oregon, the defendant's information is entered into the Law Enforcement Data System (LEDS). LEDS is maintained by the Department of State Police (State Police) and often used for background checks run by state and local government agencies. In order for information to be successfully entered into LEDS, a set of the defendant's fingerprints must be included. Fingerprints are often taken when a person is arrested, but may be difficult to obtain if the defendant is never booked into jail.

House Bill 2134 requires courts to ensure that the fingerprints of an individual convicted of any felony or misdemeanor, as well as specified information related to the conviction, be submitted to the State Police. HB 2134 also provides that a prosecuting attorney must review the criminal history of a defendant in response to a motion to set aside a conviction, file an affidavit upon the finding of a discrepancy, and provide it to the State Police if applicable. At that time, a prosecuting attorney may also add additional records of convictions, charges, arrests, or citations not already in LEDS.