



Open Government Impact Statement

81st Oregon Legislative Assembly
2021 Regular Session

Measure: SB 397 - A

Only impacts on Original or Engrossed
Versions are Considered Official

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Date: 4/30/2021

SUMMARY

Modifies procedures for motions to set aside conviction, arrest, citation, charge, finding of contempt of court or judgment of guilty except for insanity. Eliminates filing fee and requires person to provide fingerprint card and criminal record check fee, if required, directly to Department of State Police. Reduces waiting period for filing motion if person was revoked from probation or state elects not to proceed with prosecution. Modifies waiting periods for filing of motion for conviction or guilty except for insanity judgment based upon offense classification. Aligns time period prior to filing of motion, during which person may not have any other convictions other than motor vehicle violations, to waiting period. Authorizes prosecuting attorney to object to motion to set aside conviction or guilty except for insanity judgment within 120 days of motion. Provides that court shall grant motion to set aside arrest, citation or charge, or motion to set aside conviction if no objection received. Modifies standard for granting motion over objection.

Prohibits prosecuting attorney from conditioning plea offer on defendant's waiver of ability to set aside conviction. Prohibits prosecuting attorney from conditioning agreement not to object to entry of guilty except for insanity judgment on defendant's waiver of ability to set aside judgment.

Prohibits criminal history data provider from including in criminal history report information that fails to reflect material changes to criminal history occurring more than 60 days before date of report. Provides that violation of prohibition constitutes unlawful trade practice.

NOTICE OF NO OPEN GOVERNMENT IMPACT