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Testimony from:
Nila Bala, Associate Director of Criminal Justice Policy, R Street Institute

Senate Bill No. 397, "Relating to expungement."

February 23, 2021

Judiciary Committee

My name is Nila Bala, and I am the associate director of Criminal Justice Policy for the R Street Institute, which is a nonprofit, nonpartisan, public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including reentry, and that is why SB 397 is of special interest to us.

This bill streamlines and expedites the current expungement laws in Oregon. The R Street Institute strongly supports automatic record clearance because it supports human dignity, public safety and our community.

While we believe individuals should be held accountable when they commit a crime, punishment must end at some point. Currently, individuals with criminal records are denied housing, employment, educational opportunities and the ability to reintegrate with society. Those with criminal records earn lower wages and have a much harder time securing employment. By improving the record clearance process, we can help these individuals who have paid their debts to society become a part of their community.

This bill amends the cumbersome process which justice-involved individuals must currently undertake to clear their records. Currently, the process in Oregon requires a lengthy waiting period and expensive fees, putting expungement out of reach of many indigent individuals. Research has shown that depending on the offense, individuals reach a "point of redemption" after a few years crime-free, where they are no more likely to commit a crime than any other individual in the general population. Yet they continue to be marked by their criminal record well after that point. This bill adjusts waiting periods, which are currently up to 20 years, so they are in line with the research.

Additionally, non-conviction records are currently treated the same as conviction records in the Oregon expungement process, requiring a complicated petition-based process, even when the person was never found guilty of an offense. Penalizing these individuals goes against sacred American principles and punishes the innocent. SB 397 will accelerate the eligibility of clearing non-conviction records. This is especially vital since racial minorities are disproportionately affected by the criminal justice system, and this aspect of the bill will help to improve equity in our community.

Streamlining expungement is not a partisan issue. It is just good policy. For these and other reasons, we support advancing SB 397.

Thank you for your consideration.

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