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

February 23, 2021

Chairman Prozanski and Members of the Senate Judiciary Committee:

My name is Erin George, and I am the National Campaigns Manager for the Clean Slate Initiative, a national bipartisan coalition advancing policies to automatically clear all eligible criminal records across the country. We believe that people who have been arrested or who have been convicted and served their time earn the chance for a better future. To promote justice, as well as racial and economic equity, the Clean Slate Initiative aims to transform the system by expanding expungement opportunities and lifting unnecessary barriers to employment, education, and housing. Senate Bill 397 is of particular interest to us because the bill streamlines and expedites the current expungement laws in Oregon.

In Oregon, nearly 1.5 million people experience the far-reaching ramifications of a criminal record.<sup>1</sup> Sadly, many cannot obtain relief due to lengthy waiting periods and the complex record-clearing process.

A twenty-year waiting period, as currently codified, not only negatively impacts individuals with a criminal record who are facing lifelong collateral punishments but also runs afoul of current research. Specifically, people with criminal records who have remained crime-free for four to seven years are no more likely than the general population to commit a new crime.<sup>2</sup> Senate Bill 397 proposes a more reasonable waiting period that will immediately help affected Oregonians and will not diminish public safety.

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<sup>1</sup> A project of Santa Clara University, *Paper Prisons*, "The Oregon Second Chance Expungement Gap," <https://paperprisons.org/states/OR.html>

<sup>2</sup> Alfred Blumstein and Kiminori Nakamura, "Extension of Current Estimates of Redemption Times: Robustness Testing, Out-of-State Arrests, and Racial Differences," November 2012. <https://www.ojp.gov/pdffiles1/nij/grants/240100.pdf>

Furthermore, non-conviction records - like arrest, dismissal, and acquittal records - are not distinguished from conviction records in Oregon's current expungement process, meaning that those never found guilty of a criminal offense must apply for record clearance via a complicated petition-based process. Senate Bill 397 aims to remedy this issue by expediting the eligibility of clearing non-conviction records.

As Oregon enters a phase of post-pandemic planning, the need for expedited economic recovery is paramount. Legislation, like Senate Bill 397, can support justice-involved individuals, local businesses, and the economy. Studies have shown that the presence of a criminal record reduces job opportunities. For instance, an individual is 63 percent more likely to receive a job interview if they have a clean record.<sup>3</sup> People who have had a criminal record cleared are 11 percent more likely to secure employment and 22 percent more likely to see an increase in income than those who have not.<sup>4</sup>

Finally, under Oregon's existing law, about 45 percent of people are eligible for record expungement, but research shows that only about 7 percent of Oregonians successfully clear their record.<sup>5</sup> Passing Senate Bill 397 and continuing the conversation to automate and expand record clearing provisions, thousands of Oregonians can begin to experience the second chance they have earned by moving through life with a clean record.

The Clean Slate Initiative strongly supports advancing SB 397.

Thank you for your consideration,

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<sup>3</sup> Amanda Agan and Sonja Starr. "Ban the Box, Criminal Records, and Racial Discrimination: A Field Experiment." *The Quarterly Journal of Economics*, Volume 133, Issue 1, February 2018, Pages 191–235, <https://doi.org/10.1093/qje/qjx028>

<sup>4</sup> Collateral Consequences Resource Center. "Michigan set-asides found to increase wages and reduce recidivism." February 27, 2018. <https://ccresourcecenter.org/2018/02/27/michigan-set-asides-found-to-increase-wages-and-reduce-recidivism/>

<sup>5</sup> See Footnote 1.