



February 23rd, 2021

Senate Committee on Judiciary and Ballot Measure 110  
Oregon State Legislature  
900 Court St. NE  
Salem, OR 97301

RE: Testimony in Support of SB 397<sup>1</sup>: Expungement

Chair Prozanski, Vice Chair Thatcher and members of the committee,

My name is Andrea Valderrama and I am here representing the American Civil Liberties Union of Oregon (ACLU of Oregon). We are a nonpartisan, nonprofit organization dedicated to the preservation and enhancement of civil liberties and civil rights, with more than 28,415 members statewide. We are here today in support of SB 397.

Across Oregon, 1.5 million people suffer the far-reaching impacts of a criminal record. Nearly 9 in 10 employers, 4 in 5 landlords, and 3 in 5 colleges use background checks to screen applicants. When it comes to securing employment, people with criminal records are half as likely as other job seekers to get a call-back from an employer. These challenges trickle to every part of a person's life. When our loved ones, friends, neighbors and community members are barred from fully participating in society and our economy, we all lose out.

While Oregon allows individuals to petition the court to have certain records cleared, the cost, complexity, and lack of legal representation prevent the vast majority of individuals eligible to set aside their records from ever obtaining relief. Our communities are calling for urgent action to transform our expungement process to address a huge oversight of justice within the criminal justice system. It is time to work toward a vision of equitable second chances that is built on accountability, compassion, and opportunity.

To address the devastating impacts of Oregon's existing expungement process, SB 397 will:

- **Streamline and expedite our record clearance process** bringing much needed relief to impacted Oregonians. The current process is complicated, lengthy and requires the assistance of a lawyer. Taking 4-6 months to complete, each county uses its own motion and proposed orders creating inconsistency across the state.
- **Adjust the waiting and look-back periods** to those supported by data and precedent. Waiting periods for non-person Class B felonies is 20 years, the longest waiting period in the county. Studies have shown that after 7 years abstaining from criminal behavior, a person with a conviction history is no more likely to commit a crime than a member of the general public.
- **Remove filing fees, background checks and standardize the application form.** Expungement filing fees are a poverty penalty that punish people solely because

---

<sup>1</sup><https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB397/Introduced>



they are poor. This is a two-tiered justice system where there is unequal access to redemption solely because of economic opportunity.

- **Accelerate eligibility of non-conviction records** (e.g., arrests, dismissals, “no complaints” and acquittals). The waiting period for non-convictions can be as long as a year, and petitions can be blocked. All non-convictions will be eligible immediately, consistent with the presumption of innocence.

**For these reasons, the ACLU of Oregon urges you to support SB 397.**

Thank you,

Andrea Valderrama  
Policy Director  
ACLU of Oregon