

**TESTIMONY ON SB 397  
BEFORE THE SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110  
IMPLEMENTATION  
FEBRUARY 23, 2021**

**PRESENTED BY: ERIN M. PETTIGREW, ACCESS TO JUSTICE COUNSEL FOR  
LEGISLATIVE AFFAIRS, OREGON JUDICIAL DEPARTMENT**

Chair Prozanski, Vice-Chair Thatcher, Members of the Committee, my name is Erin M. Pettigrew, Access to Justice Counsel at the Oregon Judicial Department (OJD). I am here to address Senate Bill (SB) 397. The OJD is neutral on the bill.

As outlined in OJD's Strategic Campaign (2020-2021), Oregon's state courts are supportive of improving services and outcomes for our communities and improving access to justice by eliminating barriers. SB 397 aligns with these objectives as it is intended to alleviate the burden of convictions for those who have successfully completed terms imposed by the court, as well as the collateral consequences from non conviction activities (arrest, no-complaint, dismissal of charges).

We appreciate the thoughtful discussions we've had on this bill with Nikki Thompson and other stakeholders. Through those discussions, we identified some technical amendments to the bill as introduced, which do not have an impact on the substance of the bill but make the mechanics more straightforward for courts to implement.

The bill as introduced directs the court to delay entry of a set-aside order for 45 days if no accusatory instrument was filed. We strive to have courts enter orders the same day as they are issued. The timely entry of documents is one of the OJD's key performance measures. The public should be able to rely on court orders being promptly filed and available for enforcement. We would like to work with the proponents to amend the bill to eliminate the delay from issuance to entry of the court order.

We also understand that there are amendments being proposed. One of these amendments relates to the development of set aside forms. We would request the language of the amendment direct the State Court Administrator to develop standardized forms. The OJD has a forms development process that includes outreach to affected groups and criminal justice stakeholders that will accomplish what the proponents are requesting.

In addition, we would ask to amend language in the current statute that requires use of an affidavit to a "declaration under penalty of perjury". This change will make the set aside process easier for individuals to access (by not having to find a notary) and allow an unrepresented person to file the forms online through our Guide and File system.

We hope that you will consider these proposed amendments. We are ready to work with you in advance of a work session on this, or any additional amendments that might be forthcoming.

Thank you for your time.