



Open Government Impact Statement

82nd Oregon Legislative Assembly
2023 Regular Session

Measure: SB 698

Only impacts on Original or Engrossed
Versions are Considered Official

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SUMMARY

Directs Judicial Department to develop and implement automated system that identifies convictions, arrests, citations, charges and judgments of guilty except for insanity that are eligible to be automatically sealed. Directs department to identify eligible records created prior to February 1, 2025, and send list to presiding judge of judicial district where record was created no later than February 15, 2025. Directs department to, beginning March 1, 2025, and every month thereafter, identify eligible records from previous month and send list to presiding judge of judicial district. Directs presiding judge to enter order sealing records within 30 days of receipt of list.

Directs Oregon Criminal Justice Commission to, beginning no later than February 1, 2026, and each year thereafter, provide report to interim legislative committees related to judiciary concerning convictions that have been automatically sealed during previous year.

Directs court to grant motion to set aside judgment of guilty except for insanity if no objection is received.

Requires criminal history data providers to ensure criminal history reports reflect all material changes from previous 30 days.

Takes effect on 91st day following adjournment sine die.

OPEN GOVERNMENT IMPACT

Legislative Counsel has not adopted standards for drafting measures that establish exemptions from disclosure of public records.

This measure requires a court to automatically seal the record of a conviction, arrest, citation, charge or judgment of guilty, except for insanity, relating to an offense that is eligible to be set aside pursuant to a motion if the court would be required to grant the motion if no objection were received and any ordered restitution has been fully paid.

If those public records that could be subject to public disclosure were instead subject to mandatory disclosure under public records law, the public could gain additional information related to arrests, citations, charges and judgments of guilty except for insanity that were eligible to be set aside.