

**TESTIMONY ON SB 519
BEFORE THE SENATE COMMITTEE ON JUDICIARY
MARCH 2, 2023**

**PRESENTED BY: JORDAN BATES, SENIOR ASSISTANT GENERAL COUNSEL
OREGON JUDICIAL DEPARTMENT**

Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee:

My name is Jordan Bates, and I am a Senior Assistant General Counsel at the Oregon Judicial Department (OJD). We appreciate Senator Dembrow and Senator Sollman presenting this bill. OJD also wants to thank Senator Dembrow for inviting OJD to collaborate with the group he convened to discuss juvenile expunction, and for having our suggestions to improve OJD's implementation efforts included in the -3 amendments.

OJD does not have a position on this bill but recognizes the importance of improving access to justice and removing barriers, as reflected in our Strategic Campaign. This includes streamlining our processes and supporting courts in juvenile delinquency system improvement efforts. OJD's 2020-2022 Strategic Campaign commitment #2 states "We will improve access to justice by eliminating barriers; continuing to simplify and streamline our processes and forms; [and] enhancing service options." SB 519 with the -3 amendment aligns with these values.

SB 519 with the -3 amendment expands on the concept of the presumptive expunction process in juvenile court that began after the passage of SB 575 (2021). The bill increases access to the expunction process from SB 575, which created a more efficient application process for young people formerly involved with the system. The law requires the county juvenile department to review a number of qualifying circumstances of the individual and directs the department to file the application, rather than the subject person having to do so.

SB 519 with the -3 amendment also adds violations and misdemeanors to the list of offenses for which the juvenile department is required to submit an application for expunction, so long as "other criteria" are met. The criteria remain the same as under the previous version of the law, but two new requirements are included for adjudicated violations or misdemeanors to qualify: (1) that no restitution is owed; and (2) that the youth has never been adjudicated of a felony.¹

The bill does not change the specific list of offenses for which expunction is not currently available. SB 519 with the -3 amendments additionally ensures that victims receive notification of the process at the time a youth is adjudicated, ensuring their constitutional rights are respected. It is OJD's understanding that the Juvenile Justice Information System, and other intertwined systems, make it difficult for agencies to process a "partial" expunction (where not all charges in a case would be expunged). If systems can be modified to accommodate this practice, a truly automatic expunction process might become possible.

We appreciate the collaborative work done by Senator Dembrow, Youth, Rights & Justice, Oregon Youth Authority (OYA), county juvenile departments, and the Oregon District Attorneys Association to introduce the -2 and -3 amendments. Based on our shared observations after reviewing the introduced version of the bill, we identified some areas that could support OJD's

¹ OJD recognizes that the -2 amendment adds the requirement that no restitution is owed under the other juvenile expunction statute, ORS 419A.262.

implementation efforts. OJD appreciates the consideration of our observations in making changes included in the -3 amendments to ensure efficiency and compliance with the new provisions.

We do expect passage of SB 519 with the -3 amendments to increase the number of expungement petitions filed in circuit courts. For background purposes, OJD partnered with OYA and county juvenile departments to provide a report about the implementation of SB 575. In 2022, 268 applications for expunction were submitted to the court (127 by the subject person and 142 by the juvenile department). Though this was an increase from the previous year (136 applications), it was more similar to the number of applications filed prior to the COVID-19 pandemic (261 in 2018 and 209 in 2019).

Based on the data OJD has collected in anticipation of the changes that could result from passage of SB 519 and the addition of violations and misdemeanors, we expect that up to 1,000 or more cases would be eligible for expunction annually.

OJD appreciates the opportunity to be involved in the conversations leading up to the development of this bill and looks forward to working collaboratively on its implementation. If SB 519 is passed out of this committee, we request the committee adopt the -3 amendment.

Thank you for the opportunity to provide this testimony.