

Testimony: Scott Lee Sharp on behalf of Metropolitan Public Defender

Support for SB 698 and 697

Chair Prozanski and members of the Committee. Thank you for allowing me to testify remotely today.

My name is Scott Lee Sharp. I am an attorney with Metropolitan Public Defender in Portland, Oregon. I am here today on behalf of Metropolitan Public Defender to support both SB 698 and SB 697.

My work focuses on homeless veterans through our partnership with the VA's Supportive Services for Veterans and Families. Being a Veteran, this work is near and dear to me. I work to reduce barriers created by criminal records for my veteran clients -barriers to employment, barriers to education, and barriers to housing. It is in this work that I regularly file to expunge, or seal, criminal records.

My clients are lucky because they get to have an attorney guide them through the expungement process. But not all veterans, and certainly not most Oregonians, are so lucky. There are up to 300,000 Oregonians who have criminal records that right now are eligible for expungement under current law. But, it is estimated that only 7% ever make it through our current petition-based process. Why? First, because knowing whether your records are eligible is complicated; second, because figuring out what paperwork to complete and where to submit is complicated; finally, because having the money and time to go get fingerprinted and file with the state police is both cumbersome and expensive. If a person has managed to do all that correctly, they are still waiting months and months before getting any response. We need a better solution for our Veterans and all Oregonians who often don't have an attorney to support them through this process. This is why Metropolitan Public Defender believes strongly it is necessary to streamline the petition based-system under SB 697 and to automate expungements for certain cases under SB 698.

All Oregonians should have a fair opportunity to secure safe housing, make a living, take care of their families and participate in their communities. Even people who commit crimes deserve a second chance at freedom and opportunity once they have completed their sentence and now live crime-free. SB 698 will automatically seal eligible criminal records for many people who already qualify under our petition-based system, thereby facilitating Oregonians' abilities to make better lives for themselves.

Automation does not change eligibility criteria for expungement. All automation does is remove the burden from the individual to initiate the sealing process, which will open doors for all people without the wherewithal to file on their own. This will create an inherently more equitable system, more accessible to all Oregonians but especially to low-income families, homeless veterans (like my clients), and for communities of color that are disproportionately impacted by a criminal record.

The Legislature made great progress in passing SB 397 to make the petition-based system more accessible in 2021. This increased expungement applications last year, in some counties by 400%. Unfortunately, our current petition-based system is antiquated. It takes too long and too many resources. My clients are having to wait 9-12 months after filing before their records are sealed. My homeless veterans cannot wait another 9-12 months to better their situations: to get housing, to get jobs, or to feed their families.

Passing SB 698 to automate certain kinds of cases will relieve much of the administrative burden from the current petition-based system. Passing 697 further streamlines the existing system by removing barriers like fingerprinting, fees, and shortening the time that a court can file an order if no objection has been raised by the state. Passing both bills allows us to use technology to our advantage so that Oregonians can stabilize and start giving back to their community. On average, the wages of people who receive expungements increase by more than 20 percent just one year after a record has been cleared. When individuals and families have that increased stability, our communities are safer and healthier.

Metropolitan Public Defender looks forward to the day when our state is able to automatically seal every record that is already eligible under the existing petition-based system. Some 70 percent of Americans support such “clean slate” policies. Around the nation, bipartisan expungement automation bills are being passed and implemented. We are hopeful that by taking the incremental approach outlined in SB 698, along with the improvements proposed in SB 697, the Legislature will make a powerful first step toward joining many other states implementing automated record sealing.

I have given the position of Metropolitan Public Defender on these Senate Bills, but the opinion is also my own. Despite the implementation of these Bills making some of my own job redundant, I wholeheartedly advocate for their implementation because it is the morally, economically, and most just course going forward.

Thank you for your attention today.

Scott Lee Sharp
Veteran Attorney
US Navy Veteran
Metropolitan Public Defender Services
Community Law Division