

**TESTIMONY ON SB 698
BEFORE THE SENATE COMMITTEE ON JUDICIARY
MARCH 2, 2023**

**PRESENTED BY: MICHAEL HSU, SENIOR ASSISTANT GENERAL COUNSEL
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Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee:

I am Michael Hsu, a Senior Assistant General Counsel with the Oregon Judicial Department (OJD). We appreciate Senator Manning Jr. and Senator Gorsek for presenting this bill. We would also like to thank the Clean Slate Oregon coalition, Senator Manning Jr., and Chair Prozanski for including OJD in the collaborative system stakeholder conversations to ensure efficient implementation of SB 698. 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.

In contrast to SB 697, which would modify the petition-based process to set aside the record of an arrest or conviction in an individual case, SB 698 as introduced directs OJD to develop in two years a mostly automated process to identify and set aside records in tens of thousands of cases. OJD is very proud of the work it has done to enable efficient expunction processes and we have been actively working with the sponsors and proponents of this bill to suggest modifications that would allow OJD to streamline these cases. While we expect a future amendment that addresses these requests, we want to briefly identify what is needed in order to implement court set-aside processes that allow significant savings through automated functions.

Although OJD has improved its ability to automate some set-aside functions, there are at least three areas that require manual attention. Those are briefly described here.

1. Set asides processes that include consideration of subjective variables.
2. Set aside processes of paper case files or other records not in OJD's electronic case management system.
3. Partial set asides – where some, but not all, charges in a case are being set aside.

While OJD can utilize a manual set-aside process, manual processes are significantly more expensive and time consuming. Modifying the bill so that it includes objective criteria in specifically identifiable cases in OJD's electronic case management system where the entire record is addressed (rather than parts of the record) will facilitate a more automated approach.

The bill also requires OJD to develop several new processes. OJD believes it could take more than two years, and possibly a financial investment, to fully develop these new systems. Given the information gathering still needed to determine the scope of these projects, OJD would propose scheduling periodic progress reports to the legislature rather than a fixed statutory deadline.

As I mentioned in my testimony on SB 697, the Chief Justice's Recommended Budget contains a request for continued funding to help courts address motion-based and automated set-aside requests. While that request does not contemplate the requirements of SB 698, the request

would continue the important foundations that have allowed us to make progress in efficiently processing set-aside requests.

Again, OJD appreciates being included in conversations and looks forward to participating in future efforts to refine this bill. I would be glad to answer questions you might have.