



Legislative Fiscal Office
 82nd Oregon Legislative Assembly
 2024 Regular Session

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Bill Title: Relating to expungements.

Government Unit(s) Affected: Department of Corrections, Department of Justice, Judicial Department, Counties, District Attorneys, Public Defense Commission, Department of State Police

Summary of Fiscal Impact

2023-25 Biennium	General Fund	Lottery Funds	Other Funds	Federal Funds	Total Funds	Positions	FTE
Oregon Judicial Department	\$ 2,900,959	\$ -	\$ -	\$ -	\$ 2,900,959	27	9.04
Department of Corrections	\$ 107,286	\$ -	\$ -	\$ -	\$ 107,286	2	0.50
Total Fiscal Impact	\$ 3,008,245	\$ -	\$ -	\$ -	\$ 3,008,245	29	9.54

2025-27 Biennium	General Fund	Lottery Funds	Other Funds	Federal Funds	Total Funds	Positions	FTE
Oregon Judicial Department	\$ 7,872,531	\$ -	\$ -	\$ -	\$ 7,872,531	27	28.00
Department of Corrections	\$ 365,490	\$ -	\$ -	\$ -	\$ 365,490	2	2.00
Total Fiscal Impact	\$ 8,238,021	\$ -	\$ -	\$ -	\$ 8,238,021	29	30.00

- The Legislative Fiscal Office notes that HB 4002, under consideration in the Joint Committee on Addiction and Community Safety Response, also includes modifications to the expungement process and the fiscal impacts include duplicative resources that would need reconciliation.

Measure Description

The measure modifies motions for setting aside records of citations, arrests, charges, convictions, and judgements of guilty except for insanity. The measure imposes new timelines and procedural requirements for set aside cases in circuit court.

The measure prohibits courts, when considering whether a person has fully complied with the sentence, from considering outstanding financial obligations other than compensatory fines and restitution. The measure expands ORS 137.225 to include finding of a person in contempt of court violating an order related to abuse or a person crime and, requires the petitioner to wait five years from the date of conviction, finding, or release from imprisonment before becoming eligible for set aside. Additionally, the measure includes if the offense classification of a conviction has been reduced by the court, the waiting period is then reduced.

The measure modifies ORS 137.223 and ORS 137.225 to require a prosecuting attorney to notify both the court and petitioner of the objection upon filing and indicate in the objection whether the objection is based on the circumstances or the behavior of the person when a person has been found guilty except insanity of an offense or has been convicted of an offense found in contempt of court. If the objection is not based on the circumstances or behavior of the person, the prosecuting attorney is required to notify the petitioner and victim

that they have 33 calendar days from the date of the filing to request a hearing. However, if the prosecuting attorney's objection is based on the circumstances and behavior of the person, the court is required to hold a hearing on the motion.

The measure outlines the various processes and timelines for waiving financial waivers. The Oregon Judicial Department (OJD) is required to submit a report to the Legislature, no later than January 1, 2026, and annually thereafter, on set asides of arrests, citations, charges, convictions, and contempt of court findings, and judgements of guilty except for insanity.

The provisions related to ORS 137.223 and 137.225 apply to motion filed on or after the effective date of the measure.

Fiscal Analysis

The fiscal impact of the measure is \$3 million General Fund and 29 positions (9.54 FTE) for the 2023-25 biennium and \$8.2 million General Fund and 29 positions (30.00 FTE) for the 2025-27 biennium.

Oregon Judicial Department

The fiscal impact on OJD is \$2.9 million General Fund and 27 positions (9.04 FTE) for the 2023-25 biennium and \$7.9 million General Fund and 27 positions (28.00 FTE) for the 2025-27 biennium.

The agency reports that the Office of the State Court Administrator (OSCA) will need to expand the current centralized process to automate set asides to assist courts in the increased workload and required timelines. OSCA anticipates needing one permanent Senior Staff Counsel position (0.58 FTE), one permanent Analyst 4 position (0.58 FTE) and, increasing two existing positions from half-time to full-time; one Analyst 4 position (0.29 FTE) and one Information Technology Developer position (0.29 FTE) to expand the current automate set aside process.

For the increase in eligible cases to file a motion to set aside, OJD needs twenty-five permanent full-time Court Operations Specialist positions (7.29 FTE) in the 2023-25 biennium, estimating an additional 173,266 staff hours to process 11,545 full set asides and 15,402 partial set asides.

Once actual caseload is identified, the agency may need to return during a subsequent legislative session or a meeting of the Emergency Board to request additional resources. The Legislative Fiscal Office notes that OJD's fiscal impact is priced above the standard step 3 cost for positions and the positions have a starting before the effective date of the measure. The measure, however, does not provide agencies with the authority to undertake action in advance of the effective date.

Department of Corrections

The fiscal impact on the Department of Corrections (DOC) is \$107,286 General Fund and two positions (0.50 FTE) and \$365,490 General Fund and two positions (2.00 FTE) for the 2025-27 biennium.

DOC anticipates needing two permanent full-time Administrative Specialist 1 positions (1.83 FTE) beginning January 1, 2025, to provide administrative support to its Offender Information and Sentence Computation Unit to process the increase in set aside orders.

There is a minimal fiscal impact on Oregon State Police and Department of Justice and no fiscal impact on the Public Defense Commission, District Attorneys, or counties.

Relevant Dates

The measure takes effect on January 1, 2025.