

Written Testimony of Sonja Good Stefani on behalf of Metropolitan Public Defender in support of HB 4097.

My name is Sonja Good Stefani and I am the Director of the Community Law Division at the Metropolitan Public Defender in Portland, Oregon. The Community Law Division at MPD works to reduce the collateral consequences that follow criminal arrests and convictions (sometimes for many years) that prevent housing, employment, educational advancement, and life opportunities. It is in this work that my division regularly files to expunge criminal records. In 2023 we filed 3,843 motions to set aside in 33 different counties in Oregon. We are deeply familiar with this statute and the people it affects.

This bill will create an inherently more equitable system, more accessible to all Oregonians but especially to low-income families and for communities of color that are disproportionately impacted by a criminal record. Our clients have often been crime free for many years and are simply trying to support their families, get jobs, go back to school, find stable housing or volunteer at their children's schools. Even people who commit crimes deserve a second chance at freedom and opportunity once they have completed their sentence and now live crime free.

The Legislature made great progress in passing SB 397 in 2021. HB 4097 both expands accessibility to low-income Oregonians while also tightening up the process so that wait times are reduced, hearings are more streamlined, drafting errors are fixed, and the process is more efficient. HB 4097 increases expungement access to potentially thousands of low-income Oregonians.

To point out a few important changes: under the current law, some of our clients have been waiting 18-20 months to receive the orders sealing their records. Low-income families who need housing and jobs cannot wait that long. HB 4097 will tighten the timeline and require courts to complete orders within 8 months. Also under current law, even if an applicant is otherwise eligible to get their record expunged, if there are fines and fees owing on a case the individual is blocked from expungement. HB 4097 gives judicial discretion to waive fines at any time once a case is eligible and requires the waiver of fines after a 10-year waiting period if the case is otherwise eligible for expungement and the person has lived crime free for the statutory waiting period.

This bill is the work of many hands from all sides of the table. There were hard conversations, concessions and negotiations made. But I believe that the final product – the bill before you – will do a lot of good for our community. All Oregonians should have a fair opportunity to secure safe housing, make a living, take care of their families, and participate in their communities. As such, I urge you to support HB 4097.

Thank you,

Sonja Good Stefani
Director of Community Law, Metropolitan Public Defender