

Submitter: Cyril Rivera Neeley
On Behalf Of:
Committee: House Committee On Judiciary
Measure: HB4097

Good morning,

I am the Deputy District Attorney I in charge of set asides in Jackson County. I have been handling all of the set asides in this county for the last year and a half. All of the current proposed changes in HB 4097 are good. They provide needed clarification. However, there were a couple of changes from SB 397 from the 2021 regular session that have proven problematic. Subsection 2(a) was changed so that the petitioner would send the fingerprint and background check request directly to the Oregon State Police. That should be changed back to the petitioner sending the fingerprints and background check request to the district attorney who then sends it to the Oregon State Police, because we have many individuals send the wrong items, or no items, and we end up with many hearings and denials just because of problems with the background check requests. Subsection 2(c) was added, and it seems to suggest that if the individual is seeking to set aside something other than a conviction, then they do not have to pay a fee to the Oregon State Police; they just have to send the fingerprints to OSP; but OSP does not agree and neither does the court. Subsection 2(d) was amended to take out the \$80 processing fee for the background check. Background checks are now charged at \$33 by OSP. I'm not sure if it's a lack of funding or if it is because there are so many requests for set asides now that they are more accessible, but the background checks from OSP have decreased in quality. They never check for any arrests or convictions outside of the State of Oregon and there are often items missing from the reports. So, perhaps more funding to OSP for the background checks would be helpful. Thank you for your time and consideration.
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