

**TESTIMONY ON HOUSE BILL 4097  
BEFORE THE HOUSE COMMITTEE ON RULES  
FEBRUARY 27, 2024**

**PRESENTED BY: MICHAEL HSU, SENIOR ASSISTANT GENERAL COUNSEL  
OREGON JUDICIAL DEPARTMENT**

Chair Fahey, Vice-Chairs Helfrich and Kropf, and Members of the Committee:

My name is Michael Hsu, Senior Assistant General Counsel at the Oregon Judicial Department (OJD). While OJD is neutral on HB 4097 with the -6 amendment, we generally support the concept and recognize the importance of improving access to justice and removing barriers. We also would like to express our appreciation to Representative Tran and her staff for including OJD's requested clarity to the fines and fees provisions in section 1(3) in the -6 amendment.

HB 4097 with the -6 amendment, among other changes, permits the court to waive any fines and fees that have been outstanding for less than 10 years, and clarifies that a court may not set aside and seal a charge if there are any unpaid fines and fees unless they are waived by a judge. The -6 amendment also addresses a gap in prior versions of the bill and makes clear that when a person has no outstanding fines and fees and is otherwise eligible that the court shall set aside and seal that record.

As many of you are aware, the passage of Senate Bill 397 in 2021, which increased access to the set aside and sealing process, resulted in a dramatic increase in the number of petitions that courts receive statewide by more than 400%, to 20,000 a year. Our courts are actively working to address the increased filings and workload associated with SB 397 – and we have requested resources from this session to help address the large number of pending cases, especially in Oregon's two most populous counties in collaboration with its local stakeholders. We forecast a significant increase in petitions filed under HB 4097 and have submitted a fiscal impact statement so courts can manage the expected increase in filings under the new eligibility standards and act within the timeline in which courts must issue orders in set aside petitions.

At the same time, OJD recognizes the significance and value of Oregon's set aside laws, which provide an important avenue for impacted individuals to obtain relief from the many collateral consequences associated with engagement in the criminal legal system by way of sealing records. We are grateful to be included in the discussions and to offer our technical, procedural, and operational insights, as well as provide the unique perspective of the courts.

We would like to also extend our thanks to Representative Tran and her staff for bringing together the many stakeholders, including the Clean Slate Coalition, the Oregon Law Center, and the Oregon District Attorneys Association, to continue the work on the set aside laws.

Thank you for your time and the opportunity to provide this testimony. If you have any questions, please feel free to contact me at [Michael.Hsu@ojd.state.or.us](mailto:Michael.Hsu@ojd.state.or.us) or Kaiti Ferguson, Legislative Affairs Counsel, at [Kaiti.Ferguson@ojd.state.or.us](mailto:Kaiti.Ferguson@ojd.state.or.us).