

HB 2677 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 3/11

WHAT THE MEASURE DOES:

This measure directs county juvenile departments to apply for expunction of individuals' juvenile records regarding specified misdemeanors and felonies, sets associated criteria and procedures, and adapts related statutes.

Detailed Summary:

Auto-expunction criteria and initiation

- Directs county juvenile departments to automatically file an application for expunction upon satisfaction of the following criteria:
 - The individual was subject to juvenile court jurisdiction for specified violent misdemeanors or felonies;
 - The individual has not been convicted of another Class A misdemeanor or felony since termination of the sentence, parole, or probation;
 - No juvenile court, criminal proceeding, or investigation is pending against the individual;
 - The individual does not owe restitution;
 - The individual was not convicted as a juvenile offender subject to a mandatory minimum sentence and not treated as an adult in a criminal court proceeding.
- Requires county juvenile departments, when the above criteria are met, to apply for expunction within 90 days following the passage of either four years after termination or the individual's 18th birthday, whichever is earlier.

Expungable offenses

- Applies to felonies not enumerated in Section 5(1)(e)(J).
- Applies to misdemeanors involving violence, defined as assault in the fourth degree, strangulation, menacing, reckless endangerment, and a hate crime in the second degree.

Notice to victims

- Requires the juvenile department to make reasonable efforts to notify victims of crimes adjudicated before the measure's effective date when the application for expunction is filed.
- Requires the district attorney or juvenile department, going forwards, to warn victims, before the crime is adjudicated, that the perpetrator could someday become eligible for expunction.

Clarification of existing law

- Clarifies various provisions of Senate Bill 519 (2023), codified as ORS 419A.261, and associated statutes, ORS 419A.260 to 419A.271, including venue, notice, and the scope of expungable offenses.
- Requires a juvenile court, upon request, to appoint counsel for an individual in any expunction proceeding under ORS 419A.260 to 419A.271 for both the associated application and proceedings.

Applicability

- Applies to the expunction of records created before, on or after the effective date.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

This summary has not been adopted or officially endorsed by action of the committee.

No amendment.

BACKGROUND:

Oregon has a decentralized juvenile justice system with local county juvenile departments funded in each of the 36 counties. County juvenile departments provide both sanctions and services to youth ages 12-17 that are referred primarily by law enforcement agencies. Upon referral, juvenile departments evaluate and determine the proper disposition of each case, whether to proceed informally or to file a petition to proceed towards a formal juvenile court adjudication. Youth offenders who are unsuccessful on county probation or have committed very serious crimes may be committed to the custody of the Oregon Youth Authority for placement in a residential or youth correctional facility.

A juvenile adjudication creates a record and can be accessed by potential employers, landlords, and others. The existing process for expunction of juvenile records is found in ORS 419A.260-419A.271. After expunction, a person can legally state the record of adjudication never existed.

Senate Bill 519 (2023) expanded automatic expunction to certain misdemeanors and violations (not felonies). As to crimes not subject to automatic expunction, SB 519 reduced the number of years juveniles had to wait before applying for expunction from five to four years after termination.