

HB 3825 -1 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 3/12, 4/2

WHAT THE MEASURE DOES:

The measure amends provisions relating to court ordered monetary obligations in criminal cases.

DETAILED SUMMARY

- Reduces the time period before a judgment for remedies in a criminal action expire to ten years after the entry of the judgment, for a judgment in which the most serious conviction is for a felony.
- Provides that a judgment in which the most serious conviction is for a misdemeanor, the judgment for remedies expires five years after the entry of the judgment.
- Adds provision to ORS 137.225, relating to setting aside a conviction or record of a criminal charge, provides that if remedies in judgment have expired, a person shall be considered to have fully complied with the sentence with respect to those monetary obligations.
- States that a court order dismissing a criminal proceeding shall also vacate any monetary obligations previously ordered in the proceeding.
- Directs the Oregon Judicial Department (OJD) to study issues related to automatic expunction as specified and to report the results of the study to the interim committees of the Legislative Assembly related to the judiciary no later than September 15, 2027. Repeals this directive on January 2, 2028.
- Takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Impact of unpaid fines and fees to individuals
- Court payment plans
- State resources used to collect unpaid fines and fees
- Restitution is not discharged as part of the measure
- Fines and fees can be the only obstacle to having a record expunged
- Collection of fines and fees from incarcerated individuals

EFFECT OF AMENDMENT:

-1 Removes language that amends the time before a judgment for remedies in a criminal action. Provides that remedies in a judgment of conviction in a municipal court or justice court for violating a city or county ordinance prohibiting the possession of less than one ounce of marijuana, that have not yet expired under the provisions of ORS 18.194, expire on the effective date of this 2025 Act. Removes provision requiring a court order dismissing a criminal proceeding to vacate any monetary obligations previously ordered in the proceeding. Removes directive that the Oregon Judicial Department (OJD) study issues related to automatic expunction.

BACKGROUND: Under current Oregon law, ORS 18.180, remedies for a judgment in a criminal action expire 20 years after the entry of the judgment. ORS 137.225 provides that a person who has fully complied with and performed the sentence of the court for the offense, including payment of any monetary obligations in the judgment, may apply for an order to set-aside a conviction that is otherwise eligible under the statute. House bill 3825 would amend the the expiration remedies of a monetary judgment in a criminal action to 10 years after the entry of the judgment. The measure would also clarify that if the judgment remedies for any monetary obligations in the judgment of criminal conviction have expired, the person shall be considered to have fully complied with or performed the sentence of the court with respect to those monetary obligations.