

HB 2492 -2, -3 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 4/7

WHAT THE MEASURE DOES:

This measure includes placeholder language that directs the State Court Administrator to study courts.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Replaces the measure.

Amends ORS 137.225 to allow for a person who has been found in contempt of court for violating an order related to abuse, has fully complied with the sentence of the court and is otherwise eligible for relief under the statute, to apply for an order to set aside the finding of contempt five years from the date of the finding or from the time of release from any jail served as part of the sentence for the finding of contempt sought to be set aside. Prohibits issuance of an order to set aside a criminal conviction if, within the specified applicable time periods immediately preceding or at the time of the filing of the motion to set aside, a person is found in or has pending before the court allegations of, contempt of court for violating an order related to abuse or a person crime.

-3 This amendment clarifies that an individual may file a motion for a set aside based on the shorter timeline associated with their reduced conviction and that traffic violations are not eligible for a set aside.

BACKGROUND:

ORS 137.225 outlines when a person is eligible to set aside a conviction, citation, charge, or arrest. The court determines after a hearing whether setting aside the arrest, charge, citation, or conviction will be granted. The eligibility requirements vary depending on several factors, including:

- Criminal classification (severity of the crime).
- Criminal history preceding the filing of the motion to set aside.
- Completion of the sentence imposed by the court.