

HB 2492 A STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Gillian Fischer, LPRO Analyst

Meeting Dates: 5/12, 5/14

WHAT THE MEASURE DOES:

The measure 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. It also 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. The measure prohibits issuance of an order to set aside a criminal conviction if, 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. Finally, the measure defines 'order related to abuse or a person crime.'

House Vote: Ayes, 56; Nays, 1

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

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.

House Bill 2492 A amends ORS 137.225 to clarify timelines for set-asides when a conviction has been reduced to a lesser offense or violation and when the underlying offense for set aside is for contempt of court for violating an order related to abuse or a person crime.