

HB 2677 A -A8 STAFF MEASURE SUMMARY

Joint Committee On Ways and Means

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Meeting Dates: 6/4

WHAT THE MEASURE DOES:

This measure directs county juvenile departments to file an application for expunction regarding specified misdemeanors and felonies, sets associated judicial criteria and procedures, and adapts related statutes.

Detailed Summary:

Automatic expunction criteria and initiation

- Requires county juvenile departments to file an application for expunction with the juvenile court on an individual's behalf within 90 days following the later of
 - four years after termination,
 - the individual's 18th birthday, or
 - upon receiving a request to file an application for expunction from an individual who is over 18 years old on January 1, 2026.
- Prohibits a juvenile department from filing an expunction application regarding first-degree arson, first- or second-degree robbery, second-degree assault, second-degree kidnapping, or child pornography.
- Requires notice of the expunction application to be served on the county district attorney.
- Directs the district attorney to file an objection within 30 days if they reasonably believe the expunction criteria are not satisfied.
- Directs a juvenile court to grant expunction without a hearing within 60 days upon satisfaction of the following criteria:
 - the individual is 18 years or older;
 - four years have passed since the individual's most recent termination;
 - the individual was subject to juvenile court jurisdiction for specified violent misdemeanors or felonies;
 - since termination of the individual's sentence, parole, or probation, they have not been convicted of a Class A misdemeanor or felony;
 - no juvenile court, criminal proceeding, or investigation is pending against the individual;
 - the individual does not owe restitution; and
 - 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, unless the conviction was set aside.

Notice to victims

- Requires the juvenile department to make reasonable efforts to notify victims of crimes committed before the measure's effective date when the associated individual applies for expunction.
- Requires the district attorney or juvenile department to warn a victim before the crime is adjudicated that the accused could someday become eligible for expunction.

Clarification of existing law

- Clarifies provisions in 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, disallowing expunction if the individual was subject to a crime with a mandatory minimum sentence or treated as an adult (unless the individual was not convicted or the conviction was set aside).
- Requires a juvenile court, upon request, to appoint counsel for an individual in any expunction proceeding under ORS 419A.260 to 419A.271 for the application and proceedings.

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- Reserves the right of an individual to apply for expunction under ORS 419A.262 even if the automatic expunction criteria are not satisfied.

Applicability and effective dates

- Applies the amended automatic expunction process, set out in ORS 419A.261(4), to records created on or after the effective date.
- Applies the rest of the measure to records created before, on, or after the effective date.
- Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-A8 The amendment adds \$199,979 total funds (\$194,019 General Fund, \$5,960 Federal Funds) and one position (0.75 FTE) for one permanent Administrative Specialist 1 for the Oregon Youth Authority to support record processing.

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, but not felonies. SB 519 reduced the number of years juveniles had to wait before applying for expunction from five to four years after termination, for crimes not subject to automatic expunction.