



**Support HB 2492A
Increasing safety for DVSA Survivors
5 year Lookback/Waiting Period Prior to Expungement**

HB 2492A comes to you from the House Judiciary Committee on a 7-1 vote, and amends Oregon law to address the serious implications of domestic violence, sexual violence, and stalking cases. Currently, violation of domestic or sexual violence protection order records can be expunged from a perpetrator's record after only 1 year. Increasing the waiting period to 5 years prior to eligibility for expungement of these judgments will enhance survivor safety and ensure accountability for perpetrators.

Policy Rationale:

Patterns of Abuse and Escalation: Research shows that domestic violence often escalates over time and can involve multiple victims. [Research](#) shows that a significant percentage of protection order violations are followed by an increase in violence or stalking, and we know that intimate partner homicides are usually marked by escalation of long-term conflict ([Dobash et al., 2009](#); [Monckton Smith, 2020](#)). A violent or criminal history is the characteristic [most frequently associated with](#) protection order violation. The ODARA (Ontario Domestic Assault Risk Assessment- an actuarial tool for estimating the risk that a domestic violence offender will assault a partner again) and the SARA (Spousal Assault Risk Assessment Guide- used to predict both intimate partner violence and lethality) both include violations of protection orders as indicating factors.

Impact on Legal Proceedings: Expunging records prematurely can hinder the ability to assess risk in bail decisions, sentencing under gridblock schemes, and safety needs in custody or parenting time cases. A record of past violations is crucial to protect survivors and their children.

Survivor Safety: This amendment prioritizes survivor safety and ensures the availability of records the survivor may need in order to access emergency assistance, housing or employment protections, and other forms of relief.

Accountability for Perpetrators: When a perpetrator of domestic or sexual violence displays a disregard for court orders, this is indicative of future risk. Retaining these records longer reinforces accountability and underscores the seriousness of protection order violations.

**Support HB 2492A
Extending waiting periods and maintaining critical records will ensure that survivors are better
protected while holding perpetrators accountable for their actions.**