



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

HB 2492A amends Oregon law to address the serious implications of domestic violence, sexual violence, elder abuse, and stalking cases. Currently, violation of protection order records can be expunged from a perpetrator's record and erased after only 1 year. This leaves survivors with little ability to prove the existence of a history of violations when needing to show danger to qualify for additional safety protections. HB 2492A will increase the waiting period to 5 years prior to eligibility for expungement of these judgments, to 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. Elder abuse, stalking, and sexual violence most often occur within the context of domestic violence, and experience similar escalations. [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 and family members.

**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 or elder abuse 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.

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