

**HB 3825 A STAFF MEASURE SUMMARY**

**Carrier:** Rep. Chotzen

**House Committee On Judiciary**

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**Action Date:** 04/07/25

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 8-0-0-0

**Yeas:** 8 - Andersen, Chaichi, Chotzen, Kropf, Lewis, Mannix, Tran, Wallan

**Fiscal:** Has minimal fiscal impact

**Revenue:** Has minimal revenue impact

**Prepared By:** Gillian Fischer, LPRO Analyst

**Meeting Dates:** 3/12, 4/2, 4/7

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**WHAT THE MEASURE DOES:**

The measure amends provisions relating to the expiration of certain court-ordered monetary obligations in criminal cases.

Detailed Summary

- Provides that remedies in a judgment of conviction in a municipal court or justice court for violating a city or county ordinance or state statute prohibiting the possession of less than one ounce of marijuana, that have not yet expired under the provisions of ORS 18.194, expire on the measure's effective date.
- Adds a provision to ORS 137.225, relating to setting aside a conviction or record of a criminal charge, stating that if remedies in a judgment have expired, a person shall be considered to have fully complied with the sentence with respect to those monetary obligations.

Takes effect on the 91st day following adjournment sine die.

**ISSUES DISCUSSED:**

- Impact of unpaid fines and fees on individuals
- Court payment plans
- State resources used to collect unpaid fines and fees
- Restitution is not discharged as part of the measure
- Fines and fees can be the only obstacle to having a record expunged
- Collection of fines and fees from incarcerated individuals

**EFFECT OF AMENDMENT:**

Provides that remedies in a judgment of conviction in a municipal court or justice court for violating a city or county ordinance or state statute prohibiting the possession of less than one ounce of marijuana, that have not yet expired under the provisions of ORS 18.194, expire on the measure's effective date.

Removes several provisions from the measure:

- Removes language that amends the time before a judgment for remedies in a criminal action expire.
- Removes the requirement that a court order dismissing a criminal proceeding to vacate any monetary obligations previously ordered in the proceeding.
- Removes the directive that the Oregon Judicial Department (OJD) study issues related to automatic expunction.

**BACKGROUND:**

Under current Oregon law, ORS 18.180, remedies for a judgment in a criminal action expire 20 years after the entry of the judgment. ORS 137.225 provides that a person who has fully complied with and performed the sentence of the court for the offense, including payment of any monetary obligations in the judgment, may apply for an order to set-aside a conviction that is otherwise eligible under the statute.

## **HB 3825 A    STAFF MEASURE SUMMARY**

House Bill 3825A provides that any remedies in a judgment of conviction for possession of less than one ounce of marijuana that have not yet expired will expire on the effective date of this act. It also states that if the judgment remedies for any monetary obligations in the judgment of criminal conviction have expired, the person shall be considered to have fully complied with or performed the sentence of the court with respect to those monetary obligations.