

Requested by Representative CHOTZEN

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2677**

1 On page 1 of the printed bill, line 2, after the second semicolon delete the  
2 rest of the line and line 3 and insert “amending ORS 419A.260, 419A.261,  
3 419A.262, 419A.267, 419A.269, 419A.271 and 419C.273; and prescribing an ef-  
4 fective date.”.

5 Delete lines 5 through 27 and delete pages 2 through 14 and insert:

6 **“SECTION 1.** ORS 419A.261 is amended to read:

7 “419A.261. (1)(a) An expunction proceeding under **subsection (2) of this**  
8 section shall be commenced in the county where the subject person [*resided*  
9 *at the time of*] **had** the most recent contact.

10 **“(b) An expunction proceeding under subsection (3) or (4) of this**  
11 **section shall be commenced in the county where the subject person**  
12 **had the most recent adjudication.**

13 “(2)(a) A juvenile department shall file with the juvenile court an appli-  
14 cation for expunction of the records of a person the juvenile department de-  
15 termines meets the criteria under paragraph (b) of this subsection within 90  
16 days following [*the later of*]:

17 “(A) The date that the person attains 18 years of age; or

18 “(B) If the subject person was 18 years of age or older on January 2, 2022,  
19 the date that the juvenile department receives a request to file the applica-  
20 tion for expunction from the subject person.

21 “(b) Upon application of either a person who is the subject of a record

1 or a juvenile department, the juvenile court shall issue a judgment granting  
2 expunction, without a hearing, if:

3 “(A) **The subject person has attained 18 years of age;**

4 “[A] (B) The subject person had contact with the juvenile department;

5 “[B] (C) The subject person has never been found to be within the ju-  
6 risdiction of the juvenile court under ORS 419C.005;

7 “[C] (D) There is no petition pending alleging that the subject person  
8 is subject to the juvenile court’s jurisdiction under ORS 419C.005;

9 “[D] (E) The subject person has not been waived to criminal court pur-  
10 suant to a hearing under ORS 419C.349 or 419C.352 **unless the waiver did**  
11 **not result in a conviction or resulted in a conviction that has been set**  
12 **aside;**

13 “[E] (F) The subject person does not have an open referral for a case  
14 by informal means; and

15 “[F] (G) The subject person has not had contact with the juvenile de-  
16 partment resulting in a conviction under ORS 137.707 **unless the conviction**  
17 **has been set aside.**

18 “(3)(a) A juvenile department shall file with the juvenile court an appli-  
19 cation for expunction of the records of a person the juvenile department de-  
20 termines meets the criteria under paragraph [(b)] (c) of this subsection  
21 within 90 days following the later of:

22 “(A) The date that the person attains 18 years of age;

23 “(B) The date of the person’s termination if the person was within the  
24 jurisdiction of the juvenile court under ORS 419C.005 on their 18th birthday;  
25 or

26 “(C) If the subject person was 18 years of age or older on [*the operative*  
27 *date of this section*] **January 1, 2024**, the date the juvenile department re-  
28 ceives a request to file the application for expunction from the subject per-  
29 son.

30 “(b) **If records of an adjudication that occurred before January 1,**

1 **2024, are eligible for expunction under this subsection, the juvenile**  
2 **department shall make a reasonable effort to notify the victim when**  
3 **an application for expunction is filed under this subsection.**

4 “[*b*] (c) Upon application of either a person who is the subject of a re-  
5 cord or a juvenile department, the juvenile court shall issue a judgment  
6 granting expunction, without a hearing, if:

7 **“(A) The subject person has attained 18 years of age;**

8 **“(B) The subject person is not currently within the jurisdiction of**  
9 **the juvenile court under ORS 419C.005;**

10 “[*A*] (C) The subject person had contact with the juvenile department  
11 that resulted in the subject person being found to be within the jurisdiction  
12 of the juvenile court under ORS 419C.005 for acts that, if committed by an  
13 adult, would constitute one or more violations or misdemeanors **other than**  
14 **misdemeanors involving violence;**

15 “[*B*] (D) The subject person has not been found to be within the juris-  
16 diction of the juvenile court under ORS 419C.005 for an act that, if commit-  
17 ted by an adult, would constitute a felony **unless, if the felony is not an**  
18 **offense listed in ORS 419A.260 (1)(e)(J), the court modified the order**  
19 **of jurisdiction under ORS 419C.610 to reflect that the act, if committed**  
20 **by an adult, would constitute a misdemeanor;**

21 “[*C*] (E) There is no petition pending alleging that the subject person  
22 is subject to the juvenile court’s jurisdiction under ORS 419C.005;

23 “[*D*] (F) The subject person does not owe restitution;

24 “[*E*] (G) The subject person has not had contact with the juvenile de-  
25 partment resulting in a conviction under ORS 137.707 **unless the conviction**  
26 **has been set aside;** and

27 “[*F*] (H) The subject person has not been waived to criminal court pur-  
28 suant to a hearing under ORS 419C.349 or 419C.352 **unless the waiver did**  
29 **not result in a conviction or resulted in a conviction that has been set**  
30 **aside.**

1       “(4)(a) A juvenile department shall file with the juvenile court an  
2 application for expunction of the records of a person the juvenile de-  
3 partment determines meets the criteria under paragraph (d) of this  
4 subsection within 90 days following the later of:

5       “(A) Four years after the person’s most recent termination;

6       “(B) The date the person attains 18 years of age; or

7       “(C) If the subject person was 18 years of age or older on January  
8 1, 2026, the date the juvenile department receives a request to file the  
9 application for expunction from the subject person.

10       “(b)(A) The juvenile department or, if the application is filed by the  
11 subject person, the subject person shall serve a copy of the application  
12 on the district attorney in the county in which the expunction pro-  
13 ceeding is commenced. Not later than 30 days after service, the district  
14 attorney may file with the court a written objection if the district at-  
15 torney reasonably believes that the subject person does not meet the  
16 criteria under paragraph (d) of this subsection. The objection must  
17 state which criteria the district attorney asserts the subject person  
18 does not meet.

19       “(B) If records of an adjudication that occurred before January 1,  
20 2026, are eligible for expunction under this subsection, the juvenile  
21 department shall make a reasonable effort to notify the victim when  
22 an application for expunction is filed under this subsection.

23       “(c)(A) A juvenile department may not file an application for  
24 expunction under paragraph (a)(A) or (B) of this subsection if the  
25 subject person was found to be within the jurisdiction of the juvenile  
26 court under ORS 419C.005 for acts that, if committed by an adult,  
27 would constitute:

28       “(i) Arson in the first degree under ORS 164.325 (1)(a)(B) or (C);

29       “(ii) Robbery in the first degree under ORS 164.415;

30       “(iii) Robbery in the second degree under ORS 164.405;

1       “(iv) Assault in the second degree under ORS 163.175;  
2       “(v) Kidnapping in the second degree under ORS 163.225; or  
3       “(vi) Using a child in a display of sexually explicit conduct under  
4       ORS 163.670.

5       “(B) Nothing in this paragraph prohibits the juvenile department  
6       from filing an application for expunction at the request of the subject  
7       person under paragraph (a)(C) of this subsection or a subject person  
8       from filing an application for expunction under this subsection.

9       “(d) Not later than 60 days following the filing of an application for  
10       expunction by either a person who is the subject of a record or a ju-  
11       venile department, the juvenile court shall issue a judgment granting  
12       expunction, without a hearing, if:

13       “(A) The subject person has attained 18 years of age;

14       “(B) The subject person had contact with the juvenile department  
15       that resulted in the subject person being found to be within the juris-  
16       diction of the juvenile court under ORS 419C.005 for acts that, if com-  
17       mitted by an adult, would constitute one or more misdemeanors  
18       involving violence or one or more felonies;

19       “(C) Since the date of the most recent termination, the person has  
20       not been convicted of a felony or a Class A misdemeanor that has not  
21       been set aside;

22       “(D) No proceedings seeking a criminal conviction or an adjudi-  
23       cation in a juvenile court are pending against the person;

24       “(E) The person is not within the jurisdiction of any juvenile court  
25       on the basis of a petition alleging an act or behavior described in ORS  
26       419B.100 (1)(a) to (c) and (f) or 419C.005;

27       “(F) The juvenile department is not aware of any pending investi-  
28       gation of the conduct of the person by any law enforcement agency;

29       “(G) The subject person does not owe restitution;

30       “(H) The subject person has not had contact with the juvenile de-

1 **partment resulting in a conviction under ORS 137.707 that has not**  
2 **been set aside under ORS 137.221, 137.223 or 137.225; and**

3 **“(I) The subject person has not been waived to criminal court pur-**  
4 **suant to a hearing under ORS 419C.349 or 419C.352 resulting in a con-**  
5 **viction that has not been set aside under ORS 137.221, 137.223 or**  
6 **137.225.**

7 **“[(4)] (5) If the juvenile court denies the application for expunction under**  
8 **this section:**

9 **“(a) The court must specify in the judgment denying the application for**  
10 **expunction the reason for the denial;**

11 **“(b) The juvenile department or the subject person may file a new appli-**  
12 **cation for expunction under this subsection; and**

13 **“(c) If the juvenile department submitted the application that was denied,**  
14 **the juvenile department shall make reasonable efforts to send to the subject**  
15 **person the following:**

16 **“(A) Notice of the court’s decision and a copy of the judgment denying**  
17 **the application for expunction; and**

18 **“(B) Notice of the person’s right to an attorney, right to file a new ap-**  
19 **plication for expunction under this subsection and right to request**  
20 **expunction under ORS 419A.262.**

21 **“[(5)(a)] (6)(a) When an expunction proceeding under this section is**  
22 **commenced by application of the person whose records are to be expunged,**  
23 **the person shall set forth as part of the application the names of the juvenile**  
24 **courts, juvenile departments, institutions and law enforcement and other**  
25 **agencies that the person has reason to believe possess an expungible record**  
26 **of the person. The juvenile department shall provide the names and addresses**  
27 **of the juvenile courts, juvenile departments, institutions and law enforce-**  
28 **ment and other agencies that a reasonable search of department files indi-**  
29 **cates have expungible records.**

30 **“(b) When an expunction proceeding under this section is commenced by**

1 application of the juvenile department, the application shall set forth the  
2 names and addresses of the juvenile courts, juvenile departments, institutions  
3 and law enforcement and other agencies that a reasonable search of depart-  
4 ment files indicates have expungible records and those provided by the sub-  
5 ject person.

6 “[~~(6)(a)~~] **(7)(a)** The juvenile court or juvenile department shall send a copy  
7 of an expunction judgment entered under this section to each agency subject  
8 to the judgment. Attached to the expunction judgment must be information,  
9 to remain confidential, regarding the record to be expunged and the date of  
10 the record.

11 “(b) Upon receipt of a copy of the judgment, the agency shall comply and,  
12 within 60 days following the date of receipt, return the copy to the juvenile  
13 court or the juvenile department with an indorsement indicating compliance.

14 “(c) The juvenile department may, upon an agency’s written request, pro-  
15 vide the agency with an extension of time to comply with paragraph (b) of  
16 this subsection. The duration of the extension may not exceed the later of  
17 30 days or, if an audit or grievance under the Interstate Compact for Juve-  
18 niles relating to the subject person’s records is pending, the date the audit  
19 or grievance is concluded. If the juvenile department grants an extension  
20 under this paragraph, the juvenile department shall notify the juvenile court  
21 of the extension.

22 “[~~(7)~~] **(8)** When all agencies subject to an expunction judgment have in-  
23 dicated their compliance or in any event no later than the later of 90 days  
24 following the date the judgment was delivered as required by subsection  
25 [~~(6)~~] **(7)** of this section or, if the juvenile department granted an extension  
26 of time under subsection [~~(6)(c)~~] **(7)(c)** of this section, [~~90~~] **30** days following  
27 the expiration of the extension of time, the juvenile court shall provide the  
28 person who is the subject of the record with a copy of the expunction judg-  
29 ment, a list of complying and noncomplying agencies, and a written notice  
30 of rights and effects of expunction. The juvenile court and juvenile depart-

1 ment then shall expunge forthwith all records which they possess and which  
2 are subject to the judgment, except the original expunction judgment and the  
3 list of complying and noncomplying agencies which must be preserved under  
4 seal.

5 “[8] (9) In addition to those agencies identified in ORS 419A.260  
6 [(1)(d)] (1)(e), the juvenile, circuit, municipal and justice courts, and the  
7 district and city attorneys of this state, are bound by an expunction judg-  
8 ment of any juvenile court of appropriate jurisdiction in this state issuing  
9 an expunction judgment.

10 **“SECTION 2.** ORS 419A.260 is amended to read:

11 “419A.260. (1) As used in ORS 419A.260 to 419A.271:

12 “(a) ‘Contact’ means any instance in which a person’s act or behavior, or  
13 alleged act or behavior, which could result in a referral to a juvenile de-  
14 partment or a juvenile court’s assumption of jurisdiction under ORS 419B.100  
15 (1)(a) to (c) and (f) or 419C.005 comes to the attention of an agency specified  
16 in paragraph [(d)] (e) of this subsection.

17 “(b) ‘Expunction’ means:

18 “(A) The removal by destruction of a judgment or order related to a  
19 contact and all records and references associated with a subject person;

20 “(B) The removal by sealing of a judgment or order related to a contact  
21 and all records and references associated with a subject person;

22 “(C) The removal by redaction of a subject person’s name and all personal  
23 identifiers and all references to the subject person within a record; or

24 “(D) If a record is kept by the Department of Human Services the  
25 department’s affixing to the front of the file containing the record a stamp  
26 or statement identifying the name of the individual, the date of expunction  
27 and instruction that no further reference may be made to the record that is  
28 subject to the expunction notice or order.

29 “(c) ‘Person’ includes a person under 18 years of age.

30 **“(d) ‘Misdemeanor involving violence’ means a misdemeanor de-**



1 **scribed in ORS 163.160, 163.187, 163.190, 163.195 or 166.155 (1)(b).**

2 “[*d*] (e) ‘Record’ includes a fingerprint or photograph file, report, exhibit  
3 or other material which contains information relating to a person’s contact  
4 with any law enforcement agency, juvenile court or juvenile department, the  
5 Psychiatric Security Review Board, the Department of Human Services, the  
6 Oregon Youth Authority or the Oregon Health Authority and is kept manu-  
7 ally, through the use of electronic data processing equipment, or by any  
8 other means by a law enforcement or public investigative agency, a juvenile  
9 court or juvenile department or an agency of the State of Oregon. ‘Record’  
10 does not include:

11 “(A) A transcript of a student’s Youth Corrections Education Program  
12 academic record;

13 “(B) Material on file with a public agency which is necessary for obtain-  
14 ing federal financial participation regarding financial assistance or services  
15 on behalf of a person who has had a contact;

16 “(C) Records kept or disseminated by the Department of Transportation,  
17 State Marine Board and State Fish and Wildlife Commission pursuant to  
18 juvenile or adult order or recommendation;

19 “(D) Police and court records related to an order of waiver where the  
20 matter is still pending in the adult court or on appeal therefrom, or to any  
21 disposition as an adult pursuant to such order;

22 “(E) Records related to a support obligation;

23 “(F) Medical records other than those related to a finding of responsible  
24 except for insanity under ORS 419C.411;

25 “(G) Records of a proposed or adjudicated termination of parental rights  
26 and adoptions;

27 “(H) Any law enforcement record of a person who currently does not  
28 qualify for expunction or of current investigations or cases waived to the  
29 adult court;

30 “(I) Records and case reports of the Oregon Supreme Court and the

1 Oregon Court of Appeals;

2 “(J) Any records in cases under ORS 419C.005 in which a juvenile court  
3 found a person to be within the jurisdiction of the court based upon the  
4 person’s commission of an act which if done by an adult would constitute  
5 one of the following offenses:

6 “(i) Aggravated murder under ORS 163.095;

7 “(ii) Murder in any degree under ORS 163.107 or 163.115;

8 “(iii) Attempt, solicitation or conspiracy to commit murder in any degree  
9 or aggravated murder;

10 “(iv) Manslaughter in the first degree under ORS 163.118;

11 “(v) Manslaughter in the second degree under ORS 163.125;

12 “(vi) Criminally negligent homicide under ORS 163.145;

13 “(vii) Assault in the first degree under ORS 163.185;

14 “(viii) Criminal mistreatment in the first degree under ORS 163.205;

15 “(ix) Kidnapping in the first degree under ORS 163.235;

16 “(x) Rape in the third degree under ORS 163.355;

17 “(xi) Rape in the second degree under ORS 163.365;

18 “(xii) Rape in the first degree under ORS 163.375;

19 “(xiii) Sodomy in the third degree under ORS 163.385;

20 “(xiv) Sodomy in the second degree under ORS 163.395;

21 “(xv) Sodomy in the first degree under ORS 163.405;

22 “(xvi) Unlawful sexual penetration in the second degree under ORS  
23 163.408;

24 “(xvii) Unlawful sexual penetration in the first degree under ORS 163.411;

25 “(xviii) Sexual abuse in the third degree under ORS 163.415;

26 “(xix) Sexual abuse in the second degree under ORS 163.425;

27 “(xx) Sexual abuse in the first degree under ORS 163.427;

28 “(xxi) Promoting prostitution under ORS 167.012;

29 “(xxii) Compelling prostitution under ORS 167.017;

30 “(xxiii) Aggravated driving while suspended or revoked under ORS

1 163.196;

2 “(xxiv) Aggravated vehicular homicide under ORS 163.149; or

3 “(xxv) An attempt to commit a crime listed in this subparagraph other  
4 than manslaughter in the second degree and criminally negligent homicide;

5 “(K) Blood samples, buccal samples and other physical evidence and  
6 identification information obtained, stored or maintained by the Department  
7 of State Police under authority of ORS 137.076, 181A.155 or 419C.473;

8 “(L) Records maintained in the Law Enforcement Data System under ORS  
9 163A.035; or

10 “(M) Records of a law enforcement agency or public investigative agency  
11 concerning an open or otherwise unresolved investigation.

12 “[~~(e)~~] (f) ‘Termination’ means:

13 “(A) For a person who is the subject of a record kept by a juvenile court  
14 or juvenile department, the final disposition of a case by informal means, by  
15 a decision not to place the person on probation or make the person a ward  
16 of the court after the person has been found to be within the court’s juris-  
17 diction or by a discontinuance of probation, of the court’s wardship or of the  
18 jurisdiction of the Psychiatric Security Review Board, the Oregon Health  
19 Authority or the Department of Human Services.

20 “(B) For a person who is the subject of a record kept by a law enforce-  
21 ment or public investigative agency, a juvenile court or juvenile department  
22 or an agency of the State of Oregon, the final disposition of the person’s  
23 most recent contact with a law enforcement agency.

24 “(2) The juvenile court or juvenile department shall make reasonable ef-  
25 fort to provide written notice to a child who is within the court’s jurisdiction  
26 under ORS 419B.100 (1)(a) to (c) and (f) or to a youth who is within the  
27 court’s jurisdiction under ORS 419C.005, and to the child’s or youth’s parent,  
28 of the procedures for expunction of a record, the right to and procedure to  
29 access counsel under this chapter, the legal effect of an expunction order and  
30 the procedures for seeking relief from the duty to report as a sex offender

1 provided under ORS 163A.130, at the following times:

2 “(a) At any dispositional hearing or at the time of entering into a formal  
3 accountability agreement;

4 “(b) At the time of termination;

5 “(c) Upon notice to the subject of an expunction pending pursuant to ap-  
6 plication of a juvenile department or motion on a juvenile court; and

7 “(d) At the time of notice of execution of an expunction order.

8 **“SECTION 3.** ORS 419A.262 is amended to read:

9 “419A.262. (1) An expunction proceeding under this section shall be com-  
10 menced in the county where the subject person [*resided at the time of the*  
11 *most recent termination*] **had the most recent adjudication or, if the**  
12 **subject person did not have an adjudication, where the subject person**  
13 **had the most recent contact.**

14 “(2) Except as provided in ORS 419A.261, upon application of either a  
15 person who is the subject of a record or a juvenile department, or upon its  
16 own motion, the juvenile court shall order expunction if, after a hearing  
17 when the matter is contested, it finds that:

18 “(a) At least four years have elapsed since the date of the person’s most  
19 recent termination and the person has attained 18 years of age;

20 “(b) Since the date of the most recent termination, the person has not  
21 been convicted of a felony or a Class A misdemeanor **unless the conviction**  
22 **has been set aside;**

23 “(c) No proceedings seeking a criminal conviction or an adjudication in  
24 a juvenile court are pending against the person;

25 “(d) The person is not within the jurisdiction of any juvenile court on the  
26 basis of a petition alleging an act or behavior as defined in ORS 419B.100  
27 (1)(a) to (c) and (f) or 419C.005;

28 “(e) The juvenile department is not aware of any pending investigation  
29 of the conduct of the person by any law enforcement agency; and

30 “(f) The person does not owe restitution.

1 “(3)(a) Notwithstanding subsection (2) of this section, upon application  
2 of a person who is the subject of a record kept by a juvenile court or juvenile  
3 department, upon application of the juvenile department, or upon its own  
4 motion, the juvenile court, after a hearing when the matter is contested un-  
5 der subsection [(13)] (11) of this section, shall order expunction if it finds  
6 that:

7 “(A) The application requests expunction of only that part of the person’s  
8 record that involves a charge, allegation or adjudication based on conduct  
9 that if done by an adult would constitute the crime of prostitution under  
10 ORS 167.007; and

11 “(B) The person was under 18 years of age at the time of the conduct.

12 “(b) Except as provided in subsections [(13) and (14)] (11) and (12) of this  
13 section, there is no waiting period required before the juvenile court orders  
14 expunction under this subsection.

15 “[4] *In the case of an application by the juvenile department or of the court*  
16 *acting upon its own motion, expunction may not be ordered under subsection*  
17 *(2) or (3) of this section if actual notice of expunction has not been given to*  
18 *the person in accordance with subsection (12) of this section unless the person*  
19 *has reached 21 years of age.]*

20 “[5] (4) When a person who is the subject of a record kept by a juvenile  
21 court or juvenile department reaches 18 years of age, the juvenile court, after  
22 a hearing when the matter is contested, shall order expunction if:

23 “(a)(A) The person never has been found to be within the jurisdiction of  
24 the court; [or]

25 “(B) **The person has not had contact with the juvenile department**  
26 **resulting in a conviction under ORS 137.707 unless the conviction has**  
27 **been set aside; and**

28 “(C) **The subject person has not been waived to criminal court**  
29 **pursuant to a hearing under ORS 419C.349 or 419C.352 unless the waiver**  
30 **did not result in a conviction or resulted in a conviction that has been**

1 **set aside; or**

2 “(b) The conditions of subsection (2) or (3) of this section have been met.

3 “[~~(6)~~ *Expunction may not be ordered under this section if actual notice of*  
4 *expunction has not been given to the person in accordance with subsection (12)*  
5 *of this section unless the person has reached 21 years of age.*]

6 “[~~(7)~~ **(5)** [*Subsections (5) and (6) of this section apply*] **Subsection (4) of**  
7 **this section applies** only to cases resulting in termination after September  
8 13, 1975.

9 “[~~(8)~~ **(6)** Notwithstanding subsections (2)[, (3) and (5) to (7)] **to (5)** of this  
10 section, upon application of a person who is the subject of a record kept by  
11 a juvenile court or juvenile department, upon application of the juvenile  
12 department, or upon its own motion, the juvenile court, after a hearing when  
13 the matter is contested, may order expunction of all or any part of the  
14 person’s record if it finds that to do so would be in the best interests of the  
15 person and the public. [*In the case of an application by the juvenile depart-*  
16 *ment or of the court acting upon its own motion, expunction may not be or-*  
17 *dered if actual notice of expunction has not been given to the person in*  
18 *accordance with subsection (12) of this section unless the person has reached*  
19 *21 years of age.*]

20 “[~~(9)~~ **(7)** Notwithstanding ORS 419A.260 [~~(1)(d)(J)~~] **(1)(e)(J)**, a person who  
21 has been found to be within the jurisdiction of the juvenile court based on  
22 an act that if committed by an adult would constitute:

23 “(a) Rape in the third degree under ORS 163.355, sodomy in the third de-  
24 gree under ORS 163.385 or sexual abuse in the third degree under ORS  
25 163.415, or an attempt to commit those crimes, may apply for an order of  
26 expunction under this section. The court shall order expunction of the re-  
27 cords in the case if, after a hearing when the matter is contested, the court  
28 finds that the person:

29 “(A) Meets the requirements of subsection (2) of this section;

30 “(B) Is not required to report as a sex offender; and

1 “(C) Has not been convicted of, found guilty except for insanity of or  
2 found to be within the jurisdiction of the juvenile court based on a crime  
3 listed in ORS 419A.260 [(1)(d)(J)] **(1)(e)(J)**, other than the adjudication that  
4 is the subject of the motion.

5 “(b) A sex crime that is a Class C felony may apply for an order of  
6 expunction under this section. The court shall order expunction of the re-  
7 cords in the case if, after a hearing when the matter is contested, the court  
8 finds that:

9 “(A) The person meets the requirements of subsection (2) of this section;

10 “(B) The person was under 16 years of age at the time of the offense;

11 “(C) The person is:

12 “(i) Less than two years and 180 days older than the victim; or

13 “(ii) At least two years and 180 days older, but less than three years and  
14 180 days older, than the victim and the expunction is in the interests of  
15 justice and of benefit to the person and the community;

16 “(D) The victim’s lack of consent was due solely to incapacity to consent  
17 by reason of being less than a specified age;

18 “(E) The victim was at least 12 years of age at the time of the offense;

19 “(F) Each finding described in this paragraph involved the same victim;  
20 and

21 “(G) The person has not been convicted of, found guilty except for in-  
22 sanity of or found to be within the jurisdiction of the juvenile court based  
23 on a crime listed in ORS 419A.260 [(1)(d)(J)] **(1)(e)(J)** or an offense the court  
24 is prohibited from setting aside under ORS 137.225, other than the adjudi-  
25 cation that is the subject of the motion.

26 “[10] **(8)** When an expunction proceeding under this section is com-  
27 menced by application of the person whose records are to be expunged, the  
28 person shall set forth as part of the application the names of the juvenile  
29 courts, juvenile departments, institutions and law enforcement and other  
30 agencies that the person has reason to believe possess an expungible record

1 of the person. The juvenile department shall provide the names and addresses  
2 of the juvenile courts, juvenile departments, institutions and law enforce-  
3 ment and other agencies that a reasonable search of department files indi-  
4 cates have expungible records.

5 “[~~(11)~~] **(9)** When an expunction proceeding is commenced by application  
6 of the juvenile department or upon the court’s own motion, the application  
7 or motion shall set forth the names and addresses of the juvenile courts,  
8 juvenile departments, institutions and law enforcement and other agencies  
9 that a reasonable search of department files indicates have expungible re-  
10 cords and those provided by the subject person.

11 “[~~(12)(a)~~] **(10)(a)** Notice and a copy of an application for expunction under  
12 this section shall be given to:

13 “(A) The district attorney of the county in which the expunction pro-  
14 ceeding is commenced and the district attorney of each county in which the  
15 record sought to be expunged is kept; and

16 “(B) The person who is the subject of the record if the person has not  
17 initiated the expunction proceeding.

18 “(b) A district attorney who receives notice under this subsection shall  
19 notify the victim of the acts that resulted in the disposition that is the sub-  
20 ject of the application for expunction and shall mail a copy of the applica-  
21 tion for expunction to the victim’s last known address.

22 “[~~(13)(a)~~] **(11)(a)** Within 30 days of receiving the notice of application for  
23 expunction under subsection [~~(12)~~] **(10)** of this section, a district attorney  
24 shall give written notice of any objection and the grounds therefor to the  
25 person whose records are to be expunged and to the juvenile court.

26 “(b) Except as provided in subsection [~~(14)(c)~~] **(12)(c)** of this section, if  
27 no objection is filed the court may decide the issue of expunction either  
28 without a hearing or after full hearing under subsections [~~(14) to (17)~~] **(12)**  
29 **to (15)** of this section.

30 “[~~(14)~~] **(12)** When an expunction is pending under this section, the court



1 may proceed with or without a hearing, except that:

2 “(a) The court may not enter an expunction judgment without a hearing  
3 if a timely objection to expunction has been filed under subsection [(13)] (11)  
4 of this section;

5 “(b) The court may not deny an expunction without a hearing if the pro-  
6 ceeding is based on an application of the subject; and

7 “(c) The court shall proceed without a hearing if:

8 “(A) No objection is filed under subsection [(13)] (11) of this section;

9 “(B) The application requests expunction of only that part of the person’s  
10 record that involves a charge, allegation or adjudication based on conduct  
11 that if done by an adult would constitute the crime of prostitution under  
12 ORS 167.007; and

13 “(C) The person was under 18 years of age at the time of the conduct.

14 “[15)(a)] (13)(a) Notice of a hearing on a pending expunction shall be  
15 served on the subject and any district attorney filing a timely objection un-  
16 der subsection [(13)] (11) of this section.

17 “(b) When a district attorney receives notice of a hearing for expunction  
18 of a record concerning a youth or adjudicated youth proceeding under ORS  
19 chapter 419C, if the victim of the acts that resulted in the disposition that  
20 is the subject of the application for expunction requests, the district attorney  
21 shall mail notice of the hearing to the victim’s last-known address.

22 “[16)] (14) The court shall conduct a hearing on an expunction pending  
23 under this section in accord with the provisions of ORS 419B.205, 419B.208,  
24 419B.310, 419B.812 to 419B.839 and 419B.908. Rules of evidence shall be as in  
25 a hearing to establish juvenile court jurisdiction and as defined in ORS  
26 419B.310 (3) and 419C.400 (2). The burden of proof shall be with the party  
27 contesting expunction.

28 “[17)(a)] (15)(a) At the conclusion of a hearing on an expunction pending  
29 under this section, the court shall issue judgment granting or denying  
30 expunction.

1 “(b) The court’s denial of an application for expunction under subsections  
2 (2) to [(9)] (7) of this section does not preclude the subject person from filing  
3 an application for expunction under any other applicable subsection of this  
4 section.

5 “[~~(18)(a)~~] (16)(a) The juvenile court or juvenile department shall send a  
6 copy of an expunction judgment to each agency subject to the judgment.  
7 Attached to the expunction judgment must be information, to remain confi-  
8 dential, regarding the record to be expunged and the date of the record.

9 “(b) Upon receipt of a copy of the judgment granting an application for  
10 expunction under this section, the agency shall comply and, within 60 days  
11 of the date of receipt, return the copy to the juvenile court or juvenile de-  
12 partment with an indorsement indicating compliance.

13 “(c) The juvenile department may, upon an agency’s written request, pro-  
14 vide the agency with an extension of time to comply with paragraph (b) of  
15 this subsection. The duration of the extension may not exceed the later of  
16 30 days or, if an audit or grievance under the Interstate Compact for Juve-  
17 niles relating to the subject person’s records is pending, the date the audit  
18 or grievance is concluded. If the juvenile department grants an extension  
19 under this paragraph, the juvenile department shall notify the juvenile court  
20 of the extension.

21 “[~~(19)~~] (17) When all agencies subject to an expunction judgment have  
22 indicated their compliance or in any event no later than the later of 90 days  
23 following the date the judgment was delivered as required by subsection  
24 [(18)] (16) of this section or, if the juvenile department granted an extension  
25 of time under subsection [(18)(c)] (16)(c) of this section, [90] 30 days follow-  
26 ing the expiration of the extension of time, the juvenile court shall provide  
27 the person who is the subject of the record with a copy of the expunction  
28 judgment, a list of complying and noncomplying agencies, and a written no-  
29 tice of rights and effects of expunction. The juvenile court and juvenile de-  
30 partment then shall expunge forthwith all records which they possess and

1 which are subject to the judgment, except the original expunction judgment  
2 and the list of complying and noncomplying agencies which must be pre-  
3 served under seal.

4 “[~~(20)~~] **(18)** In addition to those agencies identified in ORS 419A.260  
5 [~~(1)(d)~~] **(1)(e)**, the juvenile, circuit, municipal and justice courts, and the  
6 district and city attorneys of this state, are bound by an expunction judg-  
7 ment of any juvenile court of appropriate jurisdiction in this state issuing  
8 an expunction judgment.

9 **“SECTION 4.** ORS 419A.267 is amended to read:

10 “419A.267. (1) A juvenile department in the county where the subject  
11 person [*resided at the time of*] **had** the most recent contact shall issue a no-  
12 tice of expunction of a subject person’s records if the subject person:

13 “(a) Has had contact with the juvenile department;

14 “(b) Has never been the subject of a petition alleging that the subject  
15 person is subject to the juvenile court’s jurisdiction under ORS 419C.005;

16 “(c) Has never been found to be within the jurisdiction of the juvenile  
17 court under ORS 419C.005;

18 “(d) Does not have an open referral for a case by informal means; and

19 “(e) Has not had contact with the juvenile department resulting in a  
20 conviction under ORS 137.707 **unless the conviction has been set aside.**

21 “(2) The juvenile department shall issue the notice described in subsection  
22 (1) of this section within 90 days following the later of:

23 “(a) The date the subject person attains 18 years of age; or

24 “(b) If the subject person was 18 years of age or older on January 2, 2022,  
25 the date the juvenile department receives a request for expunction from the  
26 subject person.

27 “(3) The juvenile department shall send the notice described in subsection  
28 (1) of this section to each agency that the juvenile department determines,  
29 after a reasonable search of the juvenile department’s files, may be in pos-  
30 session of records relating to the subject person. The notice must notify the

1 recipient agency that the agency has 60 days from the date of receipt to  
2 expunge the subject person's records.

3 “(4)(a) Upon receipt of a notice of expunction, an agency shall comply  
4 and, within 60 days of the date of receipt, return a copy of the notice to the  
5 juvenile department with an indorsement indicating compliance.

6 “(b) The juvenile department may, upon an agency's written request,  
7 provide the agency with an extension of time to comply with paragraph (a)  
8 of this subsection. The duration of the extension may not exceed the later  
9 of 30 days or, if an audit or grievance under the Interstate Compact for Ju-  
10 veniles relating to the subject person's records is pending, the date the audit  
11 or grievance is concluded.

12 “(c) If an agency fails to comply with the requirements of paragraph (a)  
13 of this subsection, the juvenile department shall petition the juvenile court  
14 in the county in which the juvenile department is located for an order com-  
15 pelling the agency to comply.

16 “(5) When all agencies subject to the notice of expunction have indicated  
17 their compliance or in any event no later than the later of 90 days following  
18 the date the notice was delivered as required by subsection (3) of this section  
19 or, if the juvenile department granted an extension of time under subsection  
20 (4) of this section, 90 days following the expiration of the extension of time,  
21 the juvenile department shall provide the subject person with a copy of the  
22 notice of expunction, a list of complying and noncomplying agencies, and a  
23 written notice of rights and effects of expunction. The juvenile department  
24 then shall expunge forthwith all records in its possession that are subject  
25 to the notice of expunction, except the juvenile department shall retain a  
26 record of the expunction processes under this section and keep the record  
27 confidential.

28 **“SECTION 5.** ORS 419A.269 is amended to read:

29 “419A.269. (1) Upon issuance of a notice of expunction under ORS  
30 419A.267 or entry of an expunction judgment under ORS 419A.261 or

1 419A.262, the contact that is the subject of the expunged record may not be  
2 disclosed by any agency. An agency that is subject to a notice of expunction  
3 or an expunction judgment shall respond to any inquiry about the contact  
4 by indicating that no record or reference concerning the contact exists.

5 “(2) A person who is the subject of a record that has been expunged under  
6 ORS 419A.261, 419A.262 or 419A.267 may assert that the record never existed  
7 and that the contact that was the subject of the record never occurred  
8 without incurring a penalty for perjury or false swearing under the laws of  
9 this state.

10 “(3)(a) The juvenile department may destroy any records in the juvenile  
11 department’s possession relating to the subject person’s contact under ORS  
12 419B.100 if the records are duplicate copies of records maintained by the  
13 Department of Human Services. The destruction of records related to the  
14 subject person’s contact under ORS 419B.100 pursuant to this paragraph does  
15 not constitute expunction.

16 “(b) The juvenile department **is not required to maintain and** may de-  
17 stroy any records in the juvenile department’s possession relating to the  
18 subject person’s record of a motor vehicle, boating or game violation waived  
19 to the criminal or municipal court pursuant to ORS 419C.370. The de-  
20 struction of records related to the subject person’s record of a motor vehicle,  
21 boating or game violation pursuant to this paragraph does not constitute  
22 expunction.

23 “(4) Juvenile courts, by court rule or by order related to a particular  
24 matter, may direct that records concerning a subject person be destroyed.  
25 No records may be destroyed until at least three years have elapsed after the  
26 date of the subject’s most recent termination. In the event the record has  
27 been expunged, the expunction judgment and list of complying and noncom-  
28 plying agencies may not be destroyed, but shall be preserved under seal. The  
29 destruction of records under this subsection does not constitute expunction.

30 “(5) A notice of expunction or an expunction judgment and the list of

1 complying and noncomplying agencies shall be disclosed only on order of the  
2 court that would have had jurisdiction to compel compliance with the notice  
3 of expunction or that originated the expunction judgment, based on a finding  
4 that review of a particular case furthers compliance with the expunction  
5 provisions of ORS 419A.260 to 419A.271.

6 “(6) A person who, in the person’s official capacity with a juvenile de-  
7 partment, sends a notice of expunction for an ineligible individual or fails  
8 to send a notice of expunction for an eligible individual under ORS 419A.267  
9 has immunity from any liability, civil or criminal, that might otherwise be  
10 incurred or imposed for making the disclosure or failing to make the disclo-  
11 sure, except when the person who sends the notice has knowledge that the  
12 individual is ineligible or when the person who fails to send the notice has  
13 knowledge that the individual is eligible.

14 “(7) A person subject to a notice of expunction or expunction judgment  
15 has a right of action against any person who intentionally violates the  
16 confidentiality provisions of this section. In the proceeding, punitive dam-  
17 ages up to an amount of \$1,000 may be sought in addition to any actual  
18 damages. The prevailing party shall be entitled to costs and reasonable at-  
19 torney fees.

20 “(8) Intentional violation of the confidentiality provisions of this section  
21 by a public employee is cause for dismissal.

22 “(9) A person who releases all or part of an expunged record commits a  
23 Class A violation.

24 **“SECTION 6.** ORS 419A.271 is amended to read:

25 “419A.271. (1) *[If a person who is the subject of a record for which*  
26 *expunction under ORS 419A.261 has been denied or that is eligible for*  
27 *expunction under ORS 419A.262 wishes to apply for expunction and if the*  
28 *person is without funds to employ suitable counsel possessing skills and expe-*  
29 *rience commensurate with the nature and complexity of the expunction process,*  
30 *the person may request the juvenile court having jurisdiction over the*

1 *expunction process under ORS 419A.262 (1) to appoint counsel to represent the*  
2 *person in the expunction proceeding.] At the request of a person who is*  
3 **the subject of a record, the juvenile court shall appoint counsel for the**  
4 **person in accordance with the provisions of ORS 419B.195, 419B.198,**  
5 **419C.200, 419C.206 or 419C.457 to aid the person in an expunction pro-**  
6 **ceeding under ORS 419A.260 to 419A.271, including in the completion**  
7 **of an application for expunction and representation in any hearings**  
8 **on the application for expunction.**

9 “(2) The juvenile court shall inform a person requesting court-appointed  
10 counsel under this section of the person’s right to be represented by suitable  
11 counsel possessing skills and experience commensurate with the nature and  
12 complexity of the expunction process, to consult with counsel prior to the  
13 filing of an application for expunction under ORS 419A.262 and prior to a  
14 hearing on the matter and to have suitable counsel appointed at state ex-  
15 pense. [*Upon request of the person, the juvenile court shall appoint counsel in*  
16 *accordance with the provisions of ORS 419B.195 and 419B.198 to aid the per-*  
17 *son in the expunction proceeding, including in the completion of an application*  
18 *for expunction and representation in any hearings on the application for*  
19 *expunction.]*

20 “(3) When the juvenile court appoints counsel for a person under this  
21 section [*and the person is determined to be entitled to appointment of counsel*  
22 *at state expense*], the compensation for counsel and reasonable fees and ex-  
23 penses of investigation, preparation and presentation paid or incurred shall  
24 be determined and paid as provided in ORS 135.055.

25 **“SECTION 7.** ORS 419C.273 is amended to read:

26 “419C.273. (1) As used in this section:

27 “(a) ‘Critical stage of the proceeding’ means a hearing that:

28 “(A) Affects the legal interests of the youth or adjudicated youth;

29 “(B) Is held in open court; and

30 “(C) Is conducted in the presence of the youth or adjudicated youth.

1 “(b) ‘Critical stage of the proceeding’ includes, but is not limited to:  
2 “(A) Detention and shelter hearings;  
3 “(B) Hearings to review placements;  
4 “(C) Hearings to set or change conditions of release;  
5 “(D) Hearings to transfer proceedings or to transfer parts of proceedings;  
6 “(E) Waiver hearings;  
7 “(F) Adjudication and plea hearings;  
8 “(G) Dispositional hearings, including but not limited to restitution  
9 hearings;  
10 “(H) Review or dispositional review hearings;  
11 “(I) Hearings on motions to amend, dismiss or set aside petitions, orders  
12 or judgments;  
13 “(J) Probation violation hearings, including probation revocation  
14 hearings, when the basis for the alleged violation directly implicates a  
15 victim’s rights;  
16 “(K) Hearings for relief from the duty to report under ORS 163A.130; and  
17 “(L) Expunction hearings.  
18 “(2)(a) The victim of any act alleged in a petition filed under this chapter  
19 may be present at and, upon request, must be informed in advance of critical  
20 stages of the proceedings held in open court when the youth or adjudicated  
21 youth will be present.  
22 “(b) The victim must be informed of any constitutional rights of the vic-  
23 tim. Except as provided in ORS 147.417, the district attorney or juvenile de-  
24 partment must ensure that victims are informed of their constitutional  
25 rights.  
26 “(c) The district attorney or the juvenile department shall notify the vic-  
27 tim **of the expunction process under ORS 419A.261. The notification**  
28 **must be made** at or before the time of adjudication of an act that, if com-  
29 mitted by an adult, would constitute a violation [*or*], misdemeanor **or felony**  
30 [*of the expunction process under ORS 419A.261*].



1 “(3)(a) The victim has the right, upon request, to be notified in advance  
2 of or to be heard at:

3 “(A) A detention or shelter hearing;

4 “(B) A hearing to review the placement of the youth or adjudicated youth;

5 or

6 “(C) A dispositional hearing.

7 “(b) For a release hearing, the victim has the right:

8 “(A) Upon request, to be notified in advance of the hearing;

9 “(B) To appear personally at the hearing; and

10 “(C) If present, to reasonably express any views relevant to the issues  
11 before the court.

12 “(4) If the victim is not present at a critical stage of the proceeding, the  
13 court shall ask the district attorney or juvenile department whether the  
14 victim requested to be notified of critical stages of the proceedings. If the  
15 victim requested to be notified, the court shall ask the district attorney or  
16 juvenile department whether the victim was notified of the date, time and  
17 place of the hearing.

18 “(5) Nothing in this section creates a cause of action for compensation  
19 or damages. This section may not be used to invalidate an accusatory in-  
20 strument or adjudication or otherwise terminate any proceeding at any point  
21 after the case is commenced or on appeal.

22 **“SECTION 8. (1) The amendments to ORS 419A.261 (4) by section 1  
23 of this 2025 Act apply to the expunction of records created on or after  
24 the effective date of this 2025 Act.**

25 **“(2) Except as provided in subsection (1) of this section, the  
26 amendments to ORS 419A.260, 419A.261, 419A.262, 419A.267, 419A.269,  
27 419A.271 and 419C.273 by sections 1 to 7 of this 2025 Act apply to the  
28 expunction of records created before, on or after the effective date of  
29 this 2025 Act.**

30 **“SECTION 9. (1) The amendments to ORS 419A.260, 419A.261,**

1 419A.262, 419A.267, 419A.269, 419A.271 and 419C.273 by sections 1 to 7 of  
2 this 2025 Act become operative on January 1, 2026.

3 “(2) The State Court Administrator and the Oregon Youth Author-  
4 ity may take any action before the operative date specified in sub-  
5 section (1) of this section that is necessary for the administrator or  
6 the authority to exercise, on and after the operative date specified in  
7 subsection (1) of this section, all of the duties, functions and powers  
8 conferred on the administrator or the authority by the amendments  
9 to ORS 419A.260, 419A.261, 419A.262, 419A.267, 419A.269, 419A.271 and  
10 419C.273 by sections 1 to 7 of this 2025 Act.

11 “SECTION 10. This 2025 Act takes effect on the 91st day after the  
12 date on which the 2025 regular session of the Eighty-third Legislative  
13 Assembly adjourns sine die.”.

14 \_\_\_\_\_