

**TESTIMONY ON HOUSE BILL 2639  
BEFORE THE HOUSE COMMITTEE ON JUDICIARY  
MARCH 31, 2025**

**PRESENTED BY: AARON KNOTT,  
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Chair Kropf, Vice-Chairs Wallan and Chotzen, and Members of the Committee:

One goal of the Oregon Judicial Department's (OJD's) Justice Campaign is to remove barriers to accessing justice. While OJD takes no position on House Bill (HB) 2639, we recognize the importance of removing barriers to individuals who are lawfully entitled to have a criminal conviction removed from their record. That said, recent changes in both law and practice relating to the processing of set asides have created a significant and largely unfunded workload associated with the significant increase in the number of petitions requesting a set aside, creating resource strains in multiple courts across Oregon. HB 2639, as written, has the potential to deepen these difficulties unless significant resources are allocated for its implementation.

**Background**

The passage of Senate Bill 397 (SB) (2021) increased access to the setting aside of criminal convictions – a process also frequently referred to as expungement. In this process, a petitioner who has waited a required amount of time without criminal activity and in compliance with the conditions of their sentence may request the court to remove their conviction and seal all associated records. SB 397 shortened the timelines required before a petition could be submitted to the court and removed fees from the filing process.

This legislation, together with the growth of special expungement clinics like Portland Community College's CLEAR Clinic, have combined to spur a dramatic spike in the filing of petitions, particularly in Oregon's larger counties. In 2021, prior to the effective date of SB 397, the number of petitions filed was 4,865. The number of petitions filed in 2024, for comparison, was 27,048. While OJD has been able to leverage limited additional resources to address this increase and recognizes the collaboration of the clinics, defense bar, and prosecutors in working to streamline the process, the sheer scope of the increase in filings has continued to overwhelm existing court resources, unfortunately resulting in significant backlogs in many courts.

Multnomah County is an illustrative example. In Multnomah, filings increased from 1,205 in 2021 to 10,769 in 2022 and has continued at that level through 2024. The impact of these increased filings has caused delays in processing petitions in both the offices of the district attorney and the court.

The processing is particularly difficult when the petition involves a *partial set aside*. These are cases in which some charges in a case are eligible for sealing, but not all. These petitions require a court to hand-redact court records to eliminate reference only to the charges that may be sealed. For this reason, partial set asides take roughly 10.5 hours to complete. Full set asides, for comparison, take on average 30 minutes. There are about 1,000 pending motions in Multnomah County requiring court finalization. Of these, 98% involve partial set asides.

### **HB 2639 Section 1(3)(a) – Waiver of Fines**

HB 2639 creates a new waiver determination within the set aside statutes by allowing the court to waive any fines or fees other than compensatory fines or restitution and requiring the court to do so if the fines and fees were imposed more than ten years before the date of the petition. OJD recognizes that financial debt can be a significant barrier for otherwise qualified petitioners who are presently blocked from clearing their record simply due to the lack of sufficient financial resources to pay any accrued financial obligations.

That said, OJD forecasts a significant influx of new petitions in the years that would follow the effective date of HB 2639, as all petitioners currently blocked by financial obligations would become eligible to petition simultaneously. OJD's data reflects that roughly 435,00 cases would immediately become eligible for a set aside. Of these, approximately 222,350 would be partial set asides.

### **HB 2639 Section 1(3)(e-f) – Requirement of Finalization Within 120 Days**

HB 2639 requires the court to process any petition for set asides within 120 days after the petitioner files the motion with the court. Most courts are able to routinely process the current level of set aside petitions within this timeline. However, Oregon's two largest counties, Multnomah and Washington, are presently unable to consistently meet this timeline because of the high volume of petitions and the lack of sufficient resources to process them.

Imposing a 120-day timeline, without additional investments in most courts, would only be implementable by repurposing other resources, causing delays in resolving other case types. The need to finalize orders and respond to petitions is not unique to set asides, and requiring these petitions to be prioritized first will proportionally reduce the court's ability to timely respond to other petitions, including protective orders, child custody, pretrial criminal matters, domestic relations, and more.

It also is worth noting that the waiver of fees and the 120-day timeline proposed by HB 2639 will impact the system from opposite directions – the waiver of fees will increase the number of petitions, while the 120-day timeline will shorten the window to process them. All of this will have a sweeping, negative impact on court services unless significant resources are added.

## **Summary**

Many individuals who are fully eligible for a set aside will never receive one. Reducing barriers to this process is a valuable policy goal. That said, these petitions are complex and time-consuming to process. Any changes must come with a proportional allocation of resources in order to be successful.

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