



HB 2492-1 Increasing safety for DVSA Survivors 5 year Lookback/Waiting Period Prior to Expungement

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Please amend Oregon law to address the serious implications of domestic violence, sexual violence, and stalking cases. Currently, violations of protection orders can be expunged from a perpetrator's record after only 1 year. Providing a 5 year waiting period 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. Ensuring that records remain accessible for longer periods helps identify patterns of abuse and provides critical context in future cases.

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: Domestic violence perpetrators often display a disregard for court orders, which is indicative of future risk. Retaining these records longer reinforces accountability and underscores the seriousness of protection order violations.

Details of the Proposal:

1. **Extends Waiting Period Prior to Expungement:** Amends ORS 137.225 to require a five-year waiting period before violations of certain protective orders are eligible for expungement.
2. **Pending Charges as a Bar to Expungement:** Amends ORS 137.225(7)(a) to bar eligibility for expungement if there are pending charges for contempt related to protective order violations.
3. **Look-Back Period Inclusion:** Includes protection order violations in the list of judgments that can block eligibility for expungement of other offenses during their look-back periods.
4. **Applicable Protection Orders:** Findings of contempt for violation of protection orders issued under the following authorities: ORS 107.095(1)(c) or (d); ORS 107.700 to 107.735; ORS 124.005 to 124.040; ORS 133.035; ORS 135.247; ORS 163.760 to 163.777; any court order in a case involving a crime constituting domestic violence, a sex crime or any other person felony or person Class A misdemeanor.

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