

CLEANING UP OREGON CRIMINAL RECORDS IS NOW EASIER

Effective January 1, 2022, the legislature made it much easier and cheaper to expunge/seal criminal records. You may be able to get criminal dismissals, acquittals, arrests, or older convictions expunged/removed from your record.

- Class B felonies, which don't involve a person or firearm, are now eligible for expungement 7 years from the date of conviction, or release from imprisonment, whichever is later.
- Class C felonies are now eligible for expungement 5 years from the date of conviction, or release from imprisonment, whichever is later.
- Class A misdemeanors are now eligible 3 years from the date of conviction, or release from imprisonment, whichever is later.
- Class B and C misdemeanors, non-traffic violations, and findings of contempt are eligible 1 year after conviction, or release from imprisonment, whichever is later.
- If you had a probation revocation in a case you can't apply for an expungement until 3 years after the probation revocation, or when you would otherwise qualify for expungement of the conviction, whichever is later.
- Arrests, citations, and charges are eligible for expungement after 1 year if no charges are filed or 60 days from the date the prosecuting attorney says they are not going to go forward with the charges, whichever is earlier.
- Dismissals or findings of not guilty are eligible for expungement as soon as the court order is filed showing the case is dismissed or that you were not guilty.
- You can't get an expungement if you have a warrant or an active criminal case open or pending anywhere in the world, even if the case is in municipal court.

Some convictions still cannot be expunged, such as:

- Some crimes that involve the mistreatment of the elderly and/or children;
- Some assaults and criminally negligent homicide;
- Most sex crimes (some sex crimes may be eligible under special conditions);
- Municipal or state traffic offenses; or
- DUI convictions, even if it was dismissed because of a diversion program.

Once a record is expunged you can say that you have not been convicted of that crime*, even on employment and housing applications. You will also have to notify the Foundation for Continuing Justice at www.continuingjustice.org.

** It may show up in very special circumstances, but those are rare.*

IMPORTANT

This information is general and is not legal advice. Everyone's own personal history must be checked. You should talk to a lawyer to see if you qualify.

*Most old marijuana convictions can now be sealed/expunged.

*There is no court filing fee to apply for expungement.

*More cases are eligible than before.

*The 10-year wait and blocking rules have been dropped.

*Only one \$33 background check fee (for convictions only) and fingerprint card are required, even if you file requests in more than one county.

*Free statewide forms available on the judicial department website.

*Prosecutors now only have 120 days to object.

*It is now harder for a court to deny an expungement.

