



Multnomah County
Department of Community Justice

EXPUNCTION INFORMATION

Under Oregon law (ORS 419A.260 - 419A.262), juvenile court records can be expunged. Expunction means the removal and destruction of all records and references; the removal and destruction of a judgment or order related to a contact; and, where a record is kept by the State Office for Services to Children and Families (SOSCF) or the Oregon Youth Authority (OYA), either the sealing of such record by the SOSCF or OYA, or, in a multiperson file, the affixing to the front of the file by the SOSCF or the OYA, a stamp or statement identifying the name of the individual, the date of expunction and the instruction that no further reference shall be made to the material that is subject to the expunction order except upon an order of a court of competent jurisdiction.

How soon your record can be expunged depends on whether or not you have been found to be within the jurisdiction of the Court. Jurisdiction means the Court has found you have committed a law violation.

You can ask to have your record expunged;

1. **If you have never been found to be within the jurisdiction of the Court**, you may request your record be expunged at age 18.
2. **If you have been found to be within Court jurisdiction**, you may request your record be expunged if:
 - A. Five years have passed since your last juvenile court termination;
 - B. You have not been convicted of a Felony or Class A Misdemeanor since your termination from the juvenile court;
 - C. No proceedings seeking a criminal conviction or an adjudication in a juvenile court are pending against you;
 - D. You are not presently within the jurisdiction of any juvenile court for delinquent behavior, being beyond control, behavior such as to endanger your own welfare or the welfare of others, or running away ORS 419C.005 or ORS 419B.100 (1)(a) to (c) and (f).
 - E. You have not been found within juvenile court jurisdiction for the non-expungeable offenses listed on the back of this form.*

If you meet the above conditions, you can apply to the Multnomah County Juvenile Court for expunction of your records. If you do not meet conditions A to E, the court may expunge your record if it finds it would be in your best interest and in the best interest of the public to do so.

If the District Attorney objects to your application for expunction you have the right to request a court hearing. The Court may still expunge your record in spite of an objection from the District Attorney.

If your expunction request is granted, record destruction includes files in any agency known to have such information. Upon entry of an expunction order, police, court or other contacts shall be treated as though they never occurred. You may legally say that the record never existed and that the contact never occurred. An agency subject to the expunction order shall inform anyone who asks about you that no record exists. You are entitled to a copy of the expunction order and a list of the agencies which have complied with the order. Anyone violating your right to confidentiality commits a Misdemeanor, and an intentional violation may constitute an invasion of your privacy, giving you the right to an action against the violator for punitive damages in the amount of \$1,000, in addition to any actual damages, costs and attorney's fees.

You may have rights under this law. Contact this agency if you wish more information. Call 503-988-3460 and ask to talk to the Expunction Clerk.

ORS 419A.260 Definitions (d) **“RECORD” does not include:**

- (A) A transcript of a student’s academic record at MacLaren School or Hillcrest School of Oregon;
- (B) Material on file with a public agency which is necessary for obtaining federal financial participation regarding financial assistance or services on behalf of a person who has had a contact;
- (C) Records kept or disseminated by the Department of Transportation, State Marine Board and State Fish and Wildlife Commission pursuant to juvenile or adult order or recommendation;
- (D) Police and court records related to an order of waiver where the matter is still pending in the adult court or on appeal therefrom, or to any disposition as an adult pursuant to such order;
- (E) Records related to a support obligation;
- (F) Medical records;
- (G) Records of a proposed or adjudicated termination of parental rights and adoptions;
- (H) Any law enforcement record of a person who currently does not qualify for expunction or of current investigations or cases waived to the adult court;
- (I) Records and case reports of the Oregon Supreme Court and the Oregon Court of Appeals;
- (J) *Any records in cases under ORS 419C.005, in which a juvenile court found a person to be within the jurisdiction of the court based upon the person’s commission of an act which, if done by an adult, would constitute one of the following offenses:
 - (i) **Aggravated murder under ORS 163.095;**
 - (ii) **Murder under ORS 163.115;**
 - (iii) **Attempt, solicitation or conspiracy to commit murder or aggravated murder;**
 - (iv) **Manslaughter in the first degree under ORS 163.118;**
 - (v) **Manslaughter in the second degree under ORS 163.125;**
 - (vi) **Criminally negligent homicide under ORS 163.145;**
 - (vii) **Assault in the first degree under ORS 163.185;**
 - (viii) **Criminal mistreatment in the first degree under ORS 163.205;**
 - (ix) **Kidnapping in the first degree under ORS 163.235;**
 - (x) **Rape in the third degree under ORS 163.355;**
 - (xi) **Rape in the second degree under ORS 163.365;**
 - (xii) **Rape in the first degree under ORS 163.375**
 - (xiii) **Sodomy in the third degree under ORS 163.385;**
 - (xiv) **Sodomy in the second degree under ORS 163.395;**
 - (xv) **Sodomy in the first degree under ORS 163.405;**
 - (xvi) **Unlawful sexual penetration in the second degree under ORS 163.408;**
 - (xvii) **Unlawful sexual penetration in the first degree under ORS 163.411;**
 - (xviii) **Sexual abuse in the third degree under ORS 163.415;**
 - (xix) **Sexual abuse in the second degree under ORS 163.425;**
 - (xx) **Sexual abuse in the first degree under ORS 163.427;**
 - (xxi) **Promoting prostitution under ORS 167.012;**
 - (xxii) **Compelling prostitution under ORS 167.017; or**
 - (xxiii) **An attempt to commit a crime listed in this subparagraph other than manslaughter in the second degree and criminally negligent homicide.**
- (K) Blood samples, autoradiographs, and other physical evidence and identification information obtained, stored, or maintained by the Department of State Police under authority of ORS 137.076, 181.085, or 419C.473; or
- (L) Records maintained in the Law Enforcement Data System under ORS 181.595 and 181.596.