

## **Lane County Circuit Court Expungement Process and Procedures (ORS 137.225)**

Expungement (or expunction) is the process by which someone's criminal arrest, judgment and/or conviction becomes as if it never happened—the court record is sealed and all agencies that were involved in the original case are notified to seal their records too. This instruction sheet outlines the process for Oregon; other states may have different procedures. Please read these instructions carefully, there are a number of detailed steps you must take in order to complete the expungement process.

Select the situation that describes your case or each of your cases, and then read the instructions that pertain to your situation.

Situation A: you were only arrested.

Situation B: you were arrested and charges were filed, but you were never convicted.

Situation C: you were arrested, charges were filed, and you were convicted.

### SITUATION A:

- One year must have passed since your arrest.
- You must have a complete set of forms and records for EACH separate arrest date and incident number.
- You must have a complete set of fingerprints.
- There is no filing fee necessary for situation A.

### SITUATION B:

- You can file for expungement any time after you are acquitted or your case is dismissed.
- You must have a complete set of forms and records for EACH separate arrest date and incident number.
- You must have a complete set of fingerprints.
- There is no filing fee necessary for situation B.

### SITUATION C:

- Three years must have passed since your conviction.
- You must have a complete set of forms and records for EACH separate arrest date and incident number.
- You must have a complete set of fingerprints.
- You must pay a \$252.00 filing fee to Lane County Circuit Court for EACH separate arrest date and incident number.
- You must also have a certified check for \$80.00 made payable to "Oregon State Police."

NOTE: If you are requesting to expunge more than one case, you can file all of the cases together and pay only one \$80.00 fee to the Oregon State Police. If you file your requests separately, you will be required to pay the \$80.00 fee for each case.

Lane County Circuit Court  
125 East 8<sup>th</sup> Ave  
Eugene, OR 97401  
(541)682-4020

## Process and Procedure

1. You will need the **Set Aside** packet of forms to complete the expungement. Make sure you get the packet that goes with your situation (**Set Aside A** for situation A, etc.) You can print the forms from the Lane County Circuit Court website at <http://courts.oregon.gov/lane>, get them from a stationery store, or have an attorney draw them up. There should be three forms in the packet: a **Motion** (which is a one-page document,) an **Affidavit** (two pages) and an **Order** (also two pages.)
2. Complete the forms. Do not sign the **Affidavit** until you are standing in front of a notary or the court clerk at the cashier's window on the second floor of the Lane County Circuit Courthouse. Fill in all the information on the **Motion** and **Affidavit**, but on the **Order** fill in only your name.
3. You will need a complete set of fingerprints. You can contact your local police agency for information on where to have your fingerprints taken. In the Eugene/Springfield area, fingerprinting is done at the Lane County Sheriff's office. You can contact them at (541) 682-3906 for information about the cost. Tell the clerk or officer who is taking your fingerprints that you want the fingerprints card to include the notation "Motion for setting aside arrest record" for situation A or B, and "Motion for setting aside conviction" for situation C.
4. The DA may be able to process your case more quickly if you include a copy of your police report. You can contact the police agency that arrested you for information on the cost.
5. FOR SITUATIONS B and C ONLY: get a copy of the Charging Instrument (information or indictment) and Order of Dismissal, Judgment, or Sentence Order from your case. You can get these from the court for a fee. You are required to include these.
6. Take all the original forms to the Lane County courthouse to a clerk at the cashier's window on the second floor. If you have not already gone to a notary, the clerk can notarize your signature on the **Affidavit** at that time. Make sure that you have completed all of the **Motion** and **Affidavit** forms, and that you have filled in only your name on the **Order** form.
7. Make two copies of each of the **Motion, Affidavit, Order**, fingerprints card and court records. The court can make these copies for you for twenty-five cents per page.
8. File the original **Motion, Affidavit**, and **Order** forms and a copy of the fingerprints card with the Lane County Circuit Court and pay the \$252.00 filing fee (situation C only.) Please remember that you must have complete set of forms and pay \$252.00 for EACH conviction date and incident number you are filing to have expunged.
9. Take one set of copies (**Motion, Affidavit, Order** and court records,) the original fingerprint card, and a certified check for \$80.00 made out to "Oregon State Police" to the Lane County District Attorney's office, located on the 4<sup>th</sup> floor of the Lane County Circuit Courthouse.
10. Keep the other set of copies for your own records.

Once you have submitted all the paperwork to the proper places, the District Attorney's office will conduct an investigation into your case(s,) which can take up to six months. To get an update on your request, you can contact the Expungement Secretary at the Lane County District Attorney's office, at (541) 682-4261. When the court receives the results of the DA's investigation, it will either grant your request or deny it. If it is granted, a Judge will sign the **Order** form that you submitted, copies of it will be sent to those agencies that have your arrest records, and the court file will be sealed. If the court denies your request based upon findings from the DA office's investigation, you will receive notice in the mail that your request for expungement has been denied.