

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE THIRD JUDICIAL DISTRICT**

Marion County Courthouse
100 High Street NE · Salem, Oregon 97301

Section C:

Arrested and Convicted of Charge(s)

Things you will need to complete this process:

- the necessary forms to request this action;
- a complete set of your fingerprints;
- certified check made payable to Oregon State Police (contact State Police for amount);
- a clear understanding of the law in the matter. Carefully read ORS 137.225;
- documentation confirming that you fully complied with and completed all conditions imposed in your sentence; and
- the Court filing fee.

PRIOR TO FILING

Forms - You may download the forms needed to complete this process. They are also available at the Court's Information Counter, located in the Marion County Courthouse. Ask for "Set Aside Packet C." You may use these forms as examples to create your own or you may purchase copies at a stationery store, or you may use these as your original forms to file your request. There should be three forms in the packet: the Motion, the Affidavit and the Order.

Complete the forms and have your signature on the Affidavit notarized or the Court Clerk at the Information Counter can witness your signature on the Affidavit. Do not sign the Affidavit until you are in the presence of a Notary or the Clerk at the Information Counter. Complete all the information on the Motion and the Affidavit, but complete only your name and case number portions of the Order. Use the case number in the previously filed criminal case on your forms.

Fingerprints - You will need a complete set of your fingerprints. Information on getting your fingerprints taken is on the last page of this information packet.

Copies - In addition to the original forms that you will file with the Court, you are required to serve the District Attorney's Office with a copy of the Motion and the Affidavit that you are filing with the Court. So, when you have completed the forms, make a copy of the Motion and the Affidavit. You may wish to make a copy for yourself as you will be filing the originals with the Court.

Service on the DA - When you have a complete set of your fingerprints, completed the forms, and made copies, take the District Attorney copies to their office located at 100 High Street NE, 1st Floor, Salem. With their copies, also provide the set of your fingerprints and the certified check for the State Police. You also may wish to submit any copies of documentation that confirm your compliance with the terms of your sentence. These could include records of payments and/or certificates of completion.

FILING YOUR PAPERS

Take all the original forms to the Court Accounting Section Cashier's Window located at the North end of the first floor of the Marion County Courthouse. Complete all the blanks on the Motion and the Affidavit, except for the case number line, and filled in your name on the Order form. Be sure to sign and have your signature witnessed, on the Affidavit. The Accounting Clerk will assist you in filing your documents and will take the required filing fee.

WHAT HAPPENS NOW?

The District Attorney has a right to object to your request to have the records of your arrest set aside. They will send your fingerprints to the State Identification Bureau to confirm your identity and to see if there have been any other incidents that would cause them to want to object to your request. When the State Identification Bureau has completed their investigation, they will send the results back to the District Attorney and the Court. This process can take up to 90 days to complete. The Court will then decide, based on the information, whether to grant or deny your request. If the Court grants your request, a Judge will sign the Order that you submitted and order that copies of it be sent to those agencies that have your arrest records. The Court will also order that the Court file be sealed. You will be notified if the Court denies your request.

Fingerprints - Fingerprinting is done at the Oregon State Police Bureau of Criminal Identification located at 3772 Portland Road NE, Salem, Oregon for a fee. Currently, the days and times available to obtain fingerprints are as follows:

Monday through Saturday, from 8:00 a.m. to 4:00 p.m.

You should, however, call the Bureau at (503)378-3070 for the fee amount and to confirm this schedule.

The fingerprint card should contain the notation, "Motion for setting aside arrest record."