

## **CONVICTION RECORD EXPUNGEMENT PROCESS FOR WASHINGTON COUNTY**

1. You do not need to hire an attorney to complete this process, however an attorney should be consulted for any legal advice and to assist in individual situations. Court clerks cannot give you legal advice. This packet is meant to instruct you on the expungement procedure, not to advise you on Oregon law.
2. You may refer to the Oregon Revised Statutes at <http://www.leg.state.or.us/ors/137.html>
3. There is an \$80.00 fee for the expungement of conviction(s). Attach a certified check or money order payable to the Department of State Police. You must also pay a \$240 filing fee for each case.

### **WHAT IS A MOTION TO SET ASIDE A CONVICTION?**

A Motion to Set Aside a Conviction, if granted by the court, sets aside the record of a conviction/arrest and the applicant is deemed not to have been previously convicted/arrested. The court orders the record of the conviction/arrest and any other official records in the case to be sealed. In the eyes of the law, the violation that led to the conviction/arrest did not occur and the record does not exist. Law enforcement agencies are required to seal their investigative reports of the incident. (Please note: Oregon does not allow for full expungement of an arrest or conviction record. Reference is made to Setting aside the conviction/arrest. For your purpose, the two expressions are nearly the same.)

### **WHAT TYPES OF CONVICTIONS QUALIFY FOR A MOTION TO SET ASIDE?**

- Any class "C" felony
- Any misdemeanor, including any violations of county or city ordinances
- Any crime punishable as either a misdemeanor or a felony at the discretion of the court
- Any violation (under state or local law)
- Crimes involving marijuana (when punishable as a felony only).
- An offense committed before January 1, 1972 which present law would classify under the categories listed, except for any sex crime or any crime which would constitute child abuse as defined in ORS 419B.005: Criminal Mistreatment 1 (ORS 163.205) or Endangering the Welfare of a Minor (ORS 163.5751A).

### **WHAT TYPES OF CONVICTIONS *DO NOT* QUALIFY FOR A MOTION TO SET ASIDE?**

- No convictions for traffic offenses may be set aside or expunged.
- No convictions for Class A and B felonies may be set aside or expunged.

### **WHAT ARE THE OTHER REQUIREMENTS FOR A MOTION TO SET ASIDE?**

If you have only one conviction you must wait three years from the date of the conviction. You must have fully complied with and performed the sentence of the court. You must not have any pending criminal charges. If you have more than one conviction, but including any convictions for conduct associated with the conviction sought to be set aside, you must wait ten years preceding the filing of this motion. Also, you must not have had any conviction set aside within the ten year period preceding the filing of this motion. The court determines if the circumstances and the behavior of the applicant from the date of the conviction warrant an expungement.

## **WHAT ARE THE STEPS TO CLEARING A RECORD?**

Look at the enclosed forms which you are to fill out. Call the Expungement Clerk at 503-846-2295 to request a “case register” of your case which will give you the information needed to fill out the forms.

Fill in the blanks of the three forms enclosed in this packet (Motion, Affidavit, and Order). Look at the “*EXAMPLE*” form to help you determine what lines need to be filled in.

You must sign the Affidavit in Support of Motion to Set Aside Record of Arrest in front of a notary public (if mailing your documents, sign before a notary) or the court clerk. Please read the Affidavit carefully before signing as you are swearing to its contents.

You will need to have a complete set of fingerprints taken. Most police agencies offer this service for a fee. The agency will provide a fingerprint card to you, and the person that takes your fingerprints will sign and date the card. That person should fill out the address of the agency in the section for employer and address, below the signature blank where they sign. The reason given for fingerprinting is expunction.

After completing the forms, **make two copies of the Motion, Affidavit and Order** and file the documents as follows:

File the original forms (the ones with your original signature) and the \$240 State of Oregon filing fee in person or by mail to:

Expungement Clerk  
Washington County Circuit Court  
150 North First Avenue, MS 37  
Hillsboro, OR 97124

Write **certified true copy** at the top of the district attorney’s copy then date and sign it. File **one** of the copies of the forms, along with your fingerprint card and your \$80.00 certified check or money order with the Washington County District Attorney’s Office in person or by mail to:

Washington County District Attorney  
150 North First Avenue, MS 40  
Hillsboro, OR 97124

The second copy of the documents is for your records. If you drop off your documents personally, a clerk in the district attorney’s office can initial your copy as proof that you have submitted it.

If you have any questions about the process or filling out your forms, please contact the expungement clerk at 503-846-2295.

You have now filed your motion. **The entire process will take approximately three months from the time of filing before the order is signed by a judge and your records are sealed.**

If the district attorney has no objection to your application, the Order will be forwarded to the

judge for signature. You will receive a certified copy of the signed Order. Upon receipt of the signed Order, you will know that your record(s) will be sealed.

If the district attorney objects to your Motion, they may request a hearing. If this occurs, a date for a hearing will be set and you will be notified by mail to appear before the court to contest why you believe you are eligible to have your record sealed. The district attorney will argue why you may not be eligible. The judge will then decide whether or not your records can be sealed. You may represent yourself or hire an attorney for this hearing. The court does not appoint attorneys for these matters.

### **HOW DO MY RECORDS GET SEALED?**

Upon receipt of the signed Order, the court clerk enters the Order, seals the court records and removes them from public records. The clerk then sends a certified copy of the Order to agencies such as the FBI, Oregon State Police, the arresting police agency, the Sheriff's office, the Probation office, and any others as directed by the court. These agencies are required to destroy or seal their investigative reports concerning the incident.

### **CAN THE RECORDS BE RE-OPENED?**

Setting aside a conviction record does not absolutely eliminate the record. The court could be asked to unseal your record, but only exceptional circumstances would warrant this. A court order is required to unseal the record.

If you have any other questions that may not be answered after reading this information, please contact the court's expungement clerk of the court at 503-846-2295, or you may contact the expungement coordinator for the Public Defender's Office at 503-726-7900.

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF WASHINGTON

STATE OF OREGON,	)	Case No.: <u>(COURT CASE NUMBER)</u>
	)	
Plaintiff,	)	MOTION TO SET ASIDE CONVICTION AND
	)	RECORDS OF ARREST
vs.	)	
	)	
<u>(YOUR FULL NAME)</u> ,	)	
	)	
Defendant	)	

The above named defendant hereby moves the Court for an Order Setting Aside the Conviction herein and sealing official records in this case, including the records of arrest pursuant to the provisions of ORS 137.225.

This Motion is based upon the record herein and upon the facts set forth in the Affidavit filed herein.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
( YOUR SIGNATURE)

(Print your) \_\_\_\_\_

Full name \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Phone Number \_\_\_\_\_

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF WASHINGTON

STATE OF OREGON,	)	Case No.: <u>(COURT CASE NUMBER)</u>
	)	
Plaintiff,	)	AFFIDAVIT IN SUPPORT OF MOTION TO
	)	
vs.	)	SET ASIDE CONVICTION
	)	
<u>(YOUR FULL NAME)</u> ,	)	
	)	
Defendant	)	

I, (PRINT FULL NAME), do hereby depose and say that:

- 1.) I am the defendant herein, and I am filing this Affidavit in Support of Motion to Set Aside Conviction and Records of Arrest pursuant to ORS 137.225;
- 2.) This conviction occurred more than three years ago;
- 3.) I have no criminal cases presently pending against me in any court;
- 4.) I have had no other criminal convictions in the ten-year period immediately preceding the filing of this motion, excluding motor vehicle violations;
- 5.) I have not had another conviction set aside within the ten-year period immediately preceding the filing of this motion;
- 6.) I have fully complied with and performed all provisions of the sentence herein;

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7.) Attached hereto is a copy of the full set of my fingerprints to be served on the District Attorney's Office along with a copy of the Affidavit in Support of Motion to Set Aside Conviction and Records of Arrest.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(YOUR SIGNATURE)

**Must be signed in front of a Notary or the Court Clerk**

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public of Oregon / Court Clerk

My Commission expires: \_\_\_\_\_

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF WASHINGTON

STATE OF OREGON,	)	Case No.: <u>(COURT CASE NUMBER)</u>
	)	
Plaintiff,	)	ORDER SETTING ASIDE CONVICTION AND
	)	RECORDS OF ARREST
vs.	)	
	)	
<u>(YOUR FULL NAME)</u> ,	)	
	)	
Defendant	)	

THIS MATTER having come before the Court upon the Motion of the defendant for an Order Setting Aside the Conviction and Records of Arrest, pursuant to ORS 137.225, and the Court having reviewed the records and file herein, and now being fully advised, the Court finds as follows:

1.) That the defendant was arrested and convicted as follows:

Original Arrest Date: (FILL IN)

Original Arrest Charge: (FILL IN)

Arresting Agency: (FILL IN)

Date of Conviction: (FILL IN)

Conviction Charge: (FILL IN)

2.) That positive identification of the defendant has been established as follows:

FBI Identification Number: (LEAVE BLANK)

Oregon State Identification Number: (LEAVE BLANK)

Arresting Agency Number: (FILL IN)

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3.) That the circumstances and behavior of the defendant since the date of conviction are found to warrant setting aside records of that conviction and arrest;

4.) That the defendant has fully complied with and performed all provisions of the sentence herein.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the defendant's conviction and arrest herein should be and the same is set aside, pursuant to ORS 137.225, and hereafter the defendant, for all purposes of the law, shall be deemed not to have been previously convicted or arrested.

IT IS FURTHER ORDERED that the Clerk of the Court shall forward a certified copy of this Order to all law enforcement agencies mentioned in the Court's file, including the following:

- a) Federal Bureau of Investigation,
- b) Oregon State Police
- c) Oregon State corrections Division,
- d) Arresting Agency.

IT IS FURTHER ORDERED that thereafter the record of conviction and arrest shall be sealed together with all other official records in this case, including investigation reports of the involved law enforcement agencies concerning the criminal episode.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Circuit Court Judge

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF WASHINGTON

STATE OF OREGON,	) Case No.: _____
	)
Plaintiff,	) MOTION TO SET ASIDE CONVICTION AND
	) RECORDS OF ARREST
	)
vs.	)
	)
_____ ,	)
	)
Defendant	)

The above named defendant hereby moves the Court for an Order Setting Aside the Conviction herein and sealing official records in this case, including the records of arrest pursuant to the provisions of ORS 137.225.

This Motion is based upon the record herein and the facts set forth in the Affidavit filed herein.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Your Signature

(Print your)

\_\_\_\_\_  
Full name

\_\_\_\_\_  
Street Address

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City, State, Zip

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Phone Number

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF WASHINGTON

STATE OF OREGON, ) Case No.: \_\_\_\_\_  
 )  
Plaintiff, ) AFFIDAVIT IN SUPPORT OF MOTION TO  
 )  
vs. ) SET ASIDE CONVICTION  
 )  
\_\_\_\_\_, )  
 )  
Defendant )

I, \_\_\_\_\_, do hereby depose and say that:

- 1.) I am the defendant herein, and I am filing this Affidavit in Support of Motion to Set Aside Conviction and Records of Arrest pursuant to ORS 137.225;
- 2.) This conviction occurred more than three years ago;
- 3.) I have no criminal cases presently pending against me in any court;
- 4.) I have had no other criminal convictions in the ten-year period immediately preceding the filing of this motion, excluding motor vehicle violations;
- 5.) I have not had another conviction set aside within the ten-year period immediately preceding the filing of this motion;
- 6.) I have fully complied with and performed all provisions of the sentence herein;

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7.) Attached hereto is a copy of the full set of my fingerprints to be served on the District Attorney's Office along with a copy of the Affidavit in Support of Motion to Set Aside Conviction and Records of Arrest.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature  
**Must be signed before a Notary or the Court Clerk**

SUBSCRIBED AND SWORN TO before me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public of Oregon / Court Clerk  
My Commission expires: \_\_\_\_\_

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF WASHINGTON

STATE OF OREGON,	) Case No. : _____
	)
Plaintiff,	) ORDER SETTING ASIDE CONVICTION AND
	)
vs.	) RECORDS OF ARREST
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_____	)
	)
Defendant	)

THIS MATTER having come before the Court upon the Motion of the defendant for an Order Setting Aside the Conviction and Records of Arrest, pursuant to ORS 137.225, and the Court having reviewed the records and file herein, and now being fully advised, the Court finds as follows:

- 1.) That the defendant was arrested and convicted as follows:  
Original Arrest Date: \_\_\_\_\_  
Original Arrest Charge: \_\_\_\_\_  
Arresting Agency: \_\_\_\_\_  
Date of Conviction: \_\_\_\_\_  
Conviction Charge: \_\_\_\_\_

- 2.) That positive identification of the defendant has been established as follows:  
FBI Identification Number: \_\_\_\_\_  
Oregon State Identification Number: \_\_\_\_\_  
Arresting Agency Number: \_\_\_\_\_

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3.) That the circumstances and behavior of the defendant since the date of conviction are found to warrant setting aside records of that conviction and arrest;

4.) That the defendant has fully complied with and performed all provisions of the sentence herein.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the defendant's conviction and arrest herein should be and the same is set aside, pursuant to ORS 137.225, and hereafter the defendant, for all purposes of the law, shall be deemed not to have been previously convicted or arrested.

IT IS FURTHER ORDERED that the Clerk of the Court shall forward a certified copy of this Order to all law enforcement agencies mentioned in the Court's file, including the following:

- a) Federal Bureau of Investigation,
- b) Oregon State Police
- c) Oregon State corrections Division,
- d) Arresting Agency.

IT IS FURTHER ORDERED that thereafter the record of conviction and arrest shall be sealed together with all other official records in this case, including investigation reports of the involved law enforcement agencies concerning the criminal episode.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Circuit Court Judge