

Expungement

Notice of Right to Record Expungement-Ors 419a.260

Oregon Law provides for the expungement (removal, destruction or sealing) of many police and juvenile court records and an explanation of your rights to record expunction. Upon application of either a person who is the subject of a record or a juvenile department, or upon its own motion, the juvenile court shall order expunction if, after a hearing when the matter is contested, it finds that:

- a) At least five years have elapsed since the date of the person's most recent termination;
- b) Since the date of the most recent termination, the person has not been convicted of a felony or a Class A misdemeanor;
- c) No proceedings seeking a criminal conviction or an adjudication in a juvenile court are pending against the person;
- d) The person is not within the jurisdiction of any juvenile court on the basis of a petition alleging an act or behavior as defined in ORS 419A.260 (J); and
- e) The juvenile department is not aware of any pending investigation of the conduct of the person by any law enforcement agency.

Expungement of Your Juvenile Record Is Not Automatic. You Must Make Application on Your Own to the Court in the Proper Format If You Wish to Have Your Record Expunged.

The records to be expunged include files of any agency known to have such information. Upon entry of an expunction order by the Court, the police, court or other agency contact will treat the information as if it never existed. All government organizations or agencies which are subject to the order are required to inform anyone who asks about you that no record exists. You will be entitled to have a copy of the expunction order and a list of the agencies which have complied with the order. You will thereafter be able to legally assert that the record never existed and that the contact, which was the subject of the record, never occurred without incurring a penalty for perjury or false swearing under the laws of this State. Once the Court has ordered your records expunged anyone who intentionally violates your right to confidentiality will commit a misdemeanor. A person whose confidentiality has been intentionally invaded shall have the right to an action against the violator for punitive damages in the amount of \$1000 in addition to any actual damages and costs. However, until such time as your records are with you, and the Court's disposition of your case is not confidential and may be released to any party that asks. If you have any questions about your rights under the juvenile records

expunction law, you may contact the Wallowa County Juvenile Department, 426-9114, at your convenience.