

Lane County Youth Services

Expunction Information

What Is An Expunction?

The expunction process eliminates records of your contact with the police agencies and the Lane County Division of Youth Services. If the court approves your application, police agencies, the Division and the Court are required to remove your record. In addition, if people ask the Division about your record, the Division must tell them that you do not have one. The Court will give you a copy of the expunction order and a list of the agencies that have complied with that order. **Once you receive that order, you are legally permitted to say the juvenile record never existed and the contact never occurred.**

What Do These Terms Mean?

- **Contact** - means any instance in which a person's act or behavior, or alleged act or behavior, which could result in a juvenile court's assumption of jurisdiction comes to the attention of a law enforcement agency. This is normally when the police speak with you about something that you did that could be against the law.
- **Jurisdiction** - when a judge decides that you did something that would have been a crime if you were an adult, you are found to be "within the jurisdiction of the court." This is similar to the adult term "conviction." In juvenile justice, this normally means you were placed on formal probation through Lane County Youth Services or committed to the Oregon Youth Authority.
- **Never within the jurisdiction** - even though you had contact with police or Lane County Youth Services, you were never found to be within jurisdiction. This normally occurs when you attend peer court, go through diversion, are on informal probation, enter into a Formal Accountability Agreement or the charges against you are either were never filed or were dismissed.
- **Termination** - after you are found within the jurisdiction of the court and either the maximum time period elapses or your Juvenile Counselor or Probation Officer requests for your case to be closed; the court can order your jurisdiction terminated. This is usually when you finish probation or parole. Your most recent termination is when you last finished probation or parole. Lane County Youth Services can help you determine this date.

The following types of records are NOT allowed to be expunged:

1. Records in which you were found within the jurisdiction of the court for any of the following acts: Aggravated Murder; Murder; Attempt, Solicitation or Conspiracy to commit Murder or Aggravated Murder; Manslaughter in the first or second degree; Criminally Negligent Homicide; Assault in the first degree; Criminal Mistreatment in the first degree; Kidnapping in the first degree; Rape or Sodomy

in the first or second degree; Unlawful Sexual Penetration in the first or second degree; Sexual Abuse in the first or second degree; Promoting or Compelling Prostitution; Aggravated Vehicular Homicide; or an Attempt to commit any of the above.

2. Oregon Department of Transportation (ODOT) records; State Marine Board records; State Fish and Wildlife Commission records; blood or buccal samples, other physical evidence, and identification information kept by Oregon State Police.

How Do I Qualify For Expunction?

In order to qualify for expunction, you must meet the following criteria:

1. Records other than what is listed above may be expunged if you meet at least ONE of the following categories (a, b, or c):
 - a. You are eighteen years of age or older and never have been found to be within the jurisdiction of any juvenile court.
 - b. You were previously found to be within the jurisdiction of a juvenile court but you now meet ALL FIVE of the below:
 - i. Five years have elapsed since the date of your most recent termination of your juvenile court case;
 - ii. Since the date of most recent termination, you have not been convicted of a felony or Class A misdemeanor in any court, adult or juvenile;
 - iii. You are not the subject of a pending juvenile or criminal court proceeding;
 - iv. You are not currently within the jurisdiction of any juvenile court;
 - v. You are not the subject of a pending police criminal investigation.
 - c. You were under 18 at the time you were charged, alleged, or adjudicated for conduct that if done by an adult would constitute the crime of prostitution under ORS 167.007.

How Do I Apply For Expunction?

You may submit an application to the court that most recently handled your case. The application form is available at www.lanecounty.org/youthservices. There is no fee to apply.

What Happens To My Application?

After submission, the District Attorney (DA) reviews your application to make sure it meets one of the qualifications listed above. Additionally, any victim(s) of the contact(s) may be notified of the pending application. If the DA agrees that you qualify for expunction, the DA will tell the court that the DA does not object to your application. The court may then grant your application without a hearing.

If the DA does not think that you qualify for expunction, the DA will tell the court that they object to your application. The DA will send you a copy of that objection. Even though the DA objects, you have the right to request a hearing in front of a judge. At the hearing you have the right to have an attorney represent you. If you cannot afford to hire your own attorney, you have the right to have an attorney appointed for you by the court.

What Happens At An Expunction Hearing?

A judge will listen to the reason that the DA believes you do not qualify for expunction. You may then tell the judge why you believe that you qualify for expunction for one of the three reasons listed in **How Do I Qualify For Expunction?** section above. It is the responsibility of the DA to prove you do not qualify for expunction. The judge will decide if your records should be expunged.

Legal Note/Disclaimer:

Lane County cannot provide legal advice. This page is for informational purpose only and not intended to be legal advice or guarantee a particular outcome based upon the material provided. Lane County is not responsible for the accuracy of the material on this page. If you want legal advice regarding your expunction, you should contact your own attorney.