



CIRCUIT COURT OF OREGON
THIRD JUDICIAL DISTRICT
PO BOX 12869
SALEM OR 97309-0869
(503) 588-5601

Expungement FAQs

1) What is an expungement?

The Oregon Statute (law) concerning this process is ORS 137.225. You may have heard the word "expungement" used in describing this process. ORS 137.225 does not use the term expungement. Instead it talks about "setting aside." For your purposes, the two expressions are nearly the same, so do not be confused by them.

2) What kinds of convictions can be expunged?

Generally, misdemeanors, class C felonies and some Class B felonies can be expunged. However, there are exceptions to this including sex offenses and child abuse charges. If you are uncertain whether your case can be expunged you may wish to contact an attorney or further review ORS 137.225.

3) Where should I file my expungement paperwork?

In order to file your paperwork with the Marion County Circuit Court your arrest/charges must have been within the jurisdiction of the Marion County District Attorney's Office. If you were charged or no actioned by another court, such as the Salem Municipal Court or East Marion Justice Court, you must file your paperwork with that court.

4) Can traffic tickets be expunged? What about DUIs?

ORS 137.225 does not allow for traffic violations or crimes to be expunged. This means that your speeding ticket or any other traffic violation or crime is not eligible to be expunged. It also means that DUI convictions do not qualify for expungement because DUIs are defined as a traffic offense under Oregon law. The only way to have a DUI expunged is if the case was either no actioned (never filed), the DA dismissed the charges (not through diversion), or you were acquitted of the charges.

5) What if I completed DUI diversion and my case was dismissed?

Even if you completed your diversion and your DUI was dismissed you still do not qualify for expungement under Oregon law.

6) How long do I have to wait to file for an expungement?

- If you were acquitted or your case was dismissed (including dismissals through diversion, with the exception of DUII charges) you can file for an expungement at any time.
- If you were arrested but the DA declined to charge your case (no actioned) because of insufficient evidence, you can file for an expungement at any time. However, if the DA declined to charge your case because there is further investigation pending, you must wait one year from the date of arrest to file.
- If you were convicted of the charge you must wait three years from the date of the judgment *as long as* you have complied (completed all probation, community service, paid all your fines, etc.) with *all* terms of your sentence *and* have not been arrested within the last three years. You cannot have any criminal cases pending against you in *any* court. Also, you must have no other convictions, besides certain traffic violations, within the last ten years. You must not have had any other convictions set aside in the ten year period immediately preceding the filing of your motion. If you do not meet all of the applicable requirements your case may not be eligible to be expunged.

7) How much is the filing fee?

There is a \$252 filing fee when you are filing to expunge a conviction. If you were not convicted there is no fee to the court. These fees are subject to change so you may wish to contact the Accounting Department at (503) 588-5601 to verify this amount. If you are filing to expunge a conviction, pursuant to ORS 137.225(2)(a) & (c), you must present an \$80 certified check to the DA's Office and a copy of your finger print record from the Oregon State Police. If you are filing to expunge an arrest, you only need to provide a copy of your finger print record to the DA. If you have questions regarding fingerprinting, please contact the Oregon State Police at (503) 378-3070.

8) Can I get civil judgments expunged from my credit report?

ORS 137.225 only applies to criminal cases. If you wish to have civil judgments removed from your credit report you should contact the credit bureau or reporting agency and find out if this is possible and what they would require of you to do so.

9) How long does the DA have to object to my motion?

The DA has 90 days from the date you served them to file their response to your motion. The court cannot proceed until the DA has filed a response. If it has been more than 90 days and the DA has not responded you may wish to contact them directly.

10) What happens when the DA files their response?

If the DA does not object, an order will be sent to the judge to consider and sign, granting your request. You will be mailed a certified copy of the order once it has been signed. If the DA does object you will receive a notice of hearing regarding the objection.

11) What happens once the order is signed?

A certified copy of the order will be mailed to you at the address you provided the court. It is important you keep your address current. The court will also forward copies to the applicable agencies so they can comply with the order.

12) How do I know my record is expunged?

It is your responsibility to follow up with agencies to ensure that they have complied. You must contact the agencies (i.e. Salem Police Department, Oregon State Police, etc.) directly to inquire about your record. The court cannot confirm if another agency has complied. You should wait at least 4 weeks *after* you receive your copy of the order before you contact agencies. Contacting them prior to 4 weeks may give you inaccurate responses, as they are entitled to time to comply with the order. If you have contacted the agency after 4 weeks and they still have record of your expunged arrest/conviction, please contact the court and we will resend the order to the agency.

This document is not a substitute for understanding the ORS that applies to your arrests and/or convictions. If you have additional questions you should contact an attorney or further review ORS 137.225. Court staff cannot give legal advice; this document is only meant as a brief overview of frequently asked questions and is not all inclusive of the requirements for an expungement, and as such, should not be solely relied upon to answer your inquiries.