

IN THE CIRCUIT COURTS OF THE STATE OF OREGON
FOR GRANT AND HARNEY COUNTIES

In the Matter of) PRESIDING JUDGE ORDER 26-024
Sealing Records Pursuant to)
ORS 105.164) Case: D24PJO1
)
) ORDER TO SET ASIDE JUDGMENTS AND
) SEAL ELIGIBLE RESIDENTIAL LANDLORD
) TENANT ACT CASES

I HEREBY FIND THAT:

1. ORS 1.002(10) establishes the presiding judge of each judicial district of this state are the administrative heads of their respective courts and are responsible and accountable in the exercise of their administrative authority and supervision over their respective courts.
2. When the Chief Justice of the Supreme Court permits the use of the electronic court records, ORS 7.095 allows the State Court Administrator to prescribe standards governing the use of electronic data processing techniques by the Oregon Judicial Department, the preservation of the records so maintained, and controls to prevent unauthorized access to records maintained using electronic data processing equipment.
3. ORS 105.164 provides:
 - (1) On an annual basis, each justice and circuit court shall enter an order setting aside a judgment and sealing the official records for each case for possession brought under ORS chapter 90 for which the court finds that:
 - (a) The judgment does not contain a money award or that any money award has expired or been satisfied or discharged; and
 - (b)(A) The judgment was a judgment of restitution entered for the plaintiff and at least five years have passed from the date of the judgment; or
 - (B) The judgment was a judgment by stipulation of the parties under ORS 105.145 (2) and at least 12 months have passed from the date of the judgment.
 - (2) Upon entry of the order, the judgment that is the subject of the motion is deemed not to have been entered, and any party may answer accordingly any questions relating to its occurrence.
 - (3) Nothing in this section limits the ability of a defendant to apply for an order under ORS 105.163.

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4. House Bill 2001 (2023), Section 66, chapter 13, Oregon Laws 2023 provides:
 - a. Section 65 of this 2023 Act (codified at ORS 105.164) does not apply to judgments entered on or before January 1, 2014; and
 - b. Each circuit court shall conduct a first review of circuit court records and enter its first order under section 65 of this 2023 Act on or before December 31, 2024.
5. ORS 84.052 authorizes the use of electronic signatures.
6. Allowing the State Court Administrator to conduct a review of circuit court records and determine and automate the setting aside of eligible judgments and sealing the official record in the cases using electronic data processing techniques will reduce judicial workload and assist the circuit court with administering the requirements in ORS 105.164 promptly and efficiently.

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Office of the State Court Administrator may review circuit court records and determine and automate the setting aside of eligible judgments and sealing the official records in the cases using electronic data processing techniques and pursuant to the criteria in ORS 105.164 and House Bill 2001 (2023), Section 66, chapter 13, Oregon Laws 2023.
2. The Office of the State Court Administrator may affix an electronic signature of the presiding judge on orders to set aside eligible judgments and seal the official records in the cases under this Presiding Judge Order.
3. The Office of the State Court Administrator may electronically seal circuit court official records as required by ORS 105.164, through automated electronic data processing techniques.
4. A copy of a case specific order to set aside the judgment and seal the official records in the case may be attached to each case through an Automated Processing Integration procedure managed by the Office of the State Court Administrator.
5. When the Office of the State Court Administrator provides the circuit court with a list of records that it is unable to set aside and seal through existing electronic data processing techniques, the circuit court retains the responsibility to set aside and seal eligible records.

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Robert S. Raschio, Circuit Court Judge