In the Matter of Sealing Records) PRESIDING JUDGE ORDER
Under HB 4002   ) Case No. 25PJO 00008
)
) ORDER SEALING DRUG ENFORCEMENT
) MISDEMEANORS
)
)

I HEREBY FIND THAT:

1.   House Bill (HB) 4002 (2024), Section 54, and Senate Bill (SB) 236 (2025), Section 26, require the court to set aside and seal records of drug enforcement misdemeanors after certain events.

2.   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.

3.   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.

4.   Legislative history for HB 4002 supports interpreting the bill as promoting the prompt sealing of drug enforcement misdemeanors. For example, on February 27, 2024, Representative Kropf stated at the work session of HB 4002 before the Joint Committee on Addiction and Community Safety Response:

     "We have created an automated expungement process so that people who are successful can immediately have their record expunged, that does not exist for any other criminal charge."
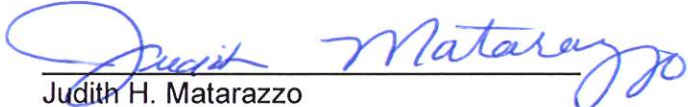
     Senator Lieber also made similar comments on the Senate floor during the third reading of HB 4002. When describing the bill, she said: "We have taken strides in this bill to reimagine a more fair treatment focused justice system, we have included [...] automatic expungement to prevent the negative impacts of a criminal record." Third Reading of HB 4002, Before the Oregon Senate, 82nd Legislative Assembly, 2024 Regular Session (March 1, 2024).

5.   ORS 84.052 authorizes the use of electronic signatures.

6.   Allowing the Office of the State Court Administrator to automate the sealing of electronic records using electronic data processing techniques allows the judicial department to administer the requirements in HB 4002 and SB 236 promptly and reduces unnecessary judicial department workload.

I hereby ORDER as follows:

1. The Office of the State Court Administrator may electronically seal circuit court records as required by HB 4002and SB 236 through automated electronic data processing techniques.

2. A copy of a case specific order to set aside and seal the 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.

3. The Office of the State Court Administrator may affix an electronic signature of the presiding judge on individual orders to set aside and seal eligible under this PJO.

4. When the Office of the State Court Administrator provides the court with a list of records that it is unable to seal through existing electronic data processing techniques, the circuit court retains the responsibility to seal those records.

Dated this <u>30th</u> day of September 2025

Judith H. Matarazzo
Presiding Judge