



YAMHILL COUNTY CIRCUIT COURT
Yamhill County Courthouse, Room 135

535 NE Fifth St., McMinnville, Oregon 97128

Phone: 503-434-7530

**Instructions for Completing Paperwork
for Setting Aside Conviction or Record of Arrest**

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.

During this process, you will be asked to provide some specific information about yourself and the incident in question. This information is needed to confirm your identity and the possible location of records so that, if your request is granted, those records can be sealed. At that point, in the eyes of the law, the arrest and/or conviction did not occur and the records do not exist. How successful the Court's Order is at sealing your records will depend upon the accuracy and completeness of the information you provide.

ORS 137.225 discusses three different situations. The process for dealing with each situation is similar but different. The rest of these instructions are divided into three sections so that you only get the information you need for your situation. To save time, money and frustration, read carefully the section concerning your situation. Before you begin, you may wish to review the statute <http://www.leg.state.or.us/ors/137.html>.

You will also find additional information on the Oregon State Bar's website www.osbar.org. Search for "Clearing Your Record."

The statute does not allow the court to set aside an arrest for Driving Under the Influence of Intoxicants (DUII) where the charges were dismissed pursuant to a person's successful completion of a diversion program. Also, the crime you were arrested for and/or convicted of must have been within the jurisdiction of the Yamhill County Circuit Court.

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. All fines and fees ordered on the case must be paid in full prior to Set Aside.

Important:

You may have more than one case arising from a single arrest. Please file separate motion s for each case that you requesting to be set aside. If you do not have your case numbers, you will need to request a records search through the Yamhill County Circuit Court. There is a records request available on the court's website: <http://www.courts.oregon.gov/Yamhill/Pages/index.aspx> If the arrest/conviction was prior to January 15, 1998, ask for any case number that may have been filed in Yamhill County District Court related to your arrest. Some felony cases were initially filed in District Courts. (District Courts were abolished and consolidated with circuit courts on January 15, 1998.)

Once you have filed documents with the court, the court will **not** search for related cases numbers. You must have **all** case numbers that you are requesting to be set aside listed on your documents at the time of filing with the court.

<p>Fingerprint Services (service fees apply) The Oregon State Police Bureau of Criminal Identification</p>	<p>3772 Portland Road N.E. Salem, OR 97301-0312 (503) 378-3070 Monday through Friday, from 8 a.m. to 4:30p.m.</p>
<p>Yamhill County Sheriff Office Yamhill County Courthouse</p>	<p>535 NE Fifth Street McMinnville, Oregon 97128 Monday and Thursdays 10:00 am to 4:00 pm</p>
<p>Mail or hand-deliver the ORIGINAL attached Motion and Affidavit to Set Aside Arrest and/or Conviction AND the required filing fee (for a conviction ONLY) made payable to State of Oregon to:</p> <p>Go to www.courts.oregon.gov to get the current filing fee.</p>	<p>Yamhill County Circuit Court Yamhill County Courthouse, Room 135 535 NE Fifth St. McMinnville, OR 97128</p>
<p>Mail or hand-deliver a COPY of the Motion and Affidavit, your criminal history, ORIGINAL fingerprint card, and a certified check for \$80.00 (for a conviction ONLY) made payable to Oregon State Police Bureau of Identification to:</p>	<p>Yamhill County District Attorney's Office Yamhill County Courthouse, Room 117 535 NE Fifth Street McMinnville, OR 97128</p>

<p>If you were arrested, but no charge(s) was ever filed with the Court. You may have been told that the charge was a "No Action." If you are not sure, the Criminal Records Department can advise you if there was a case filed.</p>	<p><u>READ SITUATION A</u></p>
<p>If you were arrested and a charge(s) was filed in Court against you and the charge(s) was later dismissed, or you were acquitted (found not guilty). Or you were not convicted of any charge(s) resulting from the arrest.</p>	<p><u>READ SITUATION B</u></p>
<p>If you were arrested and convicted of a crime:</p>	<p><u>READ SITUATION C</u></p>

Frequently Asked Questions on Expungement

Forms to Request to Set Aside Record of Arrest or Conviction