

Lane County Circuit Court Expungement Process and Procedures (ORS 137.225)

Expungement (or expunction) is the process by which someone's criminal arrest and/or conviction becomes as if it never happened—the court record is sealed and all agencies that were involved in the original case are notified to seal their records. Please read this information carefully, there are a number of detailed steps you must take to file for and complete the expungement process.

You will need to fill out and file the appropriate form (Motion and Affidavit to Set Aside Record of Arrest or Motion and Affidavit to Set Aside a Conviction) to start the expungement process. You can print these forms from the Lane County Circuit Court website, get them from a stationery store, or have an attorney draw them up.

SITUATION A (you were arrested, no charges were filed):

- One year must have passed since your arrest.
- You must have a complete set of forms and records for EACH separate arrest date and incident number.
- You must have a complete set of fingerprints.
- There is no filing fee.

SITUATION B (you were arrested and charges were filed, but you were acquitted or charges were dismissed):

- You can file for expungement any time after you are acquitted or your case is dismissed.
- You must have a complete set of forms and records for EACH separate arrest date and incident number. --
- You must have a complete set of fingerprints.
- There is no filing fee.

SITUATION C (you were arrested, charges were filed and you were convicted):

- Three years must have passed since your conviction.
- You must have a complete set of forms and records for EACH arrest date and incident number. --You must have a complete set of fingerprints.
- You must pay a **filing fee** to Lane County Circuit Court for EACH arrest date and incident number. The fee schedule is available at <https://www.courts.oregon.gov/Pages/fees.aspx>
- You must also have a certified check for \$80.00 made payable to "Oregon State Police."

NOTE: If you are requesting to expunge more than one case and you are filing all of your motions and affidavits at the same time you only need to pay one \$80.00 fee to the Oregon State Police. If you file your Motions and Affidavits at separate times, you will be required to pay the \$80.00 fee each time you file a Motion and Affidavit.

Lane County Circuit
Court 125 East 8th Ave
Eugene, OR 97401
(541)682-4020

Expungement Process

1. Fill in all the information on the **Motion** and **Affidavit** you selected. Do not sign the **Affidavit** until you are standing in front of a notary or the court clerk at the Lane County Courthouse.
2. You will need a complete set of fingerprints. Contact your local police agency for information on where you can be fingerprinted. In the Eugene/Springfield area, fingerprinting is done at the Lane County Sheriff's office. You can contact them at (541) 682-3906 for information about the cost. Tell the clerk or officer taking your fingerprints that you want the fingerprint card to include the notation "Motion for Setting Aside Arrest Record" or "Motion for setting aside a conviction".
3. The DA may be able to process your case more quickly if you include a copy of your police report. You can contact the police agency that arrested you for information on the cost.
4. **FOR SITUATIONS B and C:** In addition to the Motion and Affidavit, you need a copy of the Charging Instrument (Information or Indictment) and Order of Dismissal, Judgment, or Sentence Order from your case. You can get these from the court for a fee.
5. Complete the Motion and Affidavit and take that document to Lane County Circuit Court for filing. Your signature on the Affidavit must be witnessed by a Notary or Court Clerk. If you have not already gone to a notary, the clerk will have you sign the Affidavit in front of them and will notarize your signature.
6. Make two copies of the **Motion** and **Affidavit**, fingerprint card, and court records. Keep one set of copies for your records.
7. Take one set of copies (**Motion** and **Affidavit**, and court records), the original fingerprint card, and a certified check in the amount of \$80 (for Situation C only), made out to "Oregon State Police" to the Lane County District Attorney's office, located on the 4th floor of the Lane County Courthouse

Once you have submitted all the paperwork, the District Attorney's office will conduct an investigation into your case(s) which can take up to six months. To get an update on your request, you can contact the Expungement Secretary at the Lane County District Attorney's office, at (541) 682-4261. When the court receives the results of the DA's investigation, it will sign an Order either granting your request or denying it. If it is granted, copies of the order will be sent to those agencies that have your arrest records, and the court file will be sealed. If the court denies your request, you will receive notice in the mail that your request for expungement has been denied.