



EXPUNGEMENT INFORMATION

An expungement is a legal process provided by ORS 137.225 in which a court may order setting aside a conviction or a record of arrest. The statute provides for expungement of misdemeanors (including municipal ordinances), and violations (including state and local ordinances) as otherwise required or allowed by law. Eugene Municipal Court charges a \$240 administrative fee for filing an expungement request.

How long do you need to wait before you can expunge a case?

- You were arrested, no charges were filed - **ONE YEAR**
- You were or were not arrested, charges were filed, but charges were dismissed - **ANY TIME**
- You were or were not arrested, charges were filed, and you were convicted - **THREE YEARS**
- You were sentenced to probation and the probation was revoked - **10 YEARS from date of the revocation**

What documents are required for an expungement?

You will need a Motion and Affidavit to Set Aside form for your particular situation. These forms are all included in this packet. The Affidavit **must be notarized**.

You will also need a current fingerprint card which must be obtained from a law enforcement agency. Locally the Lane County Sheriff's Office, 125 East 8th, provides fingerprint cards. The Lane County Sheriff's Office requires the processing fee be paid in cash, and they require positive photo identification. Call the Lane County Sheriff's office at 541-682-4125 for current cost information.

You will also need to provide a certified check or money order for \$80 made payable to the Oregon State Police. (Not required if the entire case has been dismissed or no complaint was filed on the case.)

Mail or deliver all applicable items as follows:

**Eugene Municipal Court
1102 Lincoln Street
Eugene OR 97401**

Expungement Fee Form

Check or money order for \$240 Court
Administrative fee

The **original notarized** Motion and Affidavit
to Set Aside Records

**Eugene City Prosecutor Office
99 West 10th Ave Suite 310
Eugene OR 97401**

Original fingerprint card

A certified check or money order for \$80 made
payable to Oregon State Police
(if applicable)

Copy of Motion and Affidavit to Set Aside Records

**EUGENE MUNICIPAL COURT
EXPUNGEMENT FEE FORM**

A \$240 Expungement Application Fee is required to initiate the expungement process (per Administrative Order 31-11-01). Please complete the information in this box and submit to the court along with the \$240 payment. The clerk will mail a copy of the signed Order to the petitioner or notify petitioner when a copy is available for pick-up at Municipal Court.

Name of Defendant _____ Date of Birth _____

Case Number _____ Charge (ex: theft) _____

Defendant Address _____

Daytime phone number _____

Eugene Municipal Court will mail all correspondence relating to this expungement to the above address unless otherwise noted below

_____ Mail court documents to: _____
 _____ Call petitioner when court documents are available for pick-up at Eugene Municipal Court
 _____ Phone No. _____

----- To Be Completed By Court Clerk -----

Expungement Application Fee paid/ Received Motion, Affidavit from Defendant	Date:
Notify CPO of Expungement Fee paid	_____
Received Response from Prosecutor	_____
If file does not exist in TCM, scan originals from finished filing	_____
Judge Signed Order	_____

Sent certified copy of the Order to:

Sent via US Mail to:	Date Sent
Attorney <input type="checkbox"/> or Defendant <input type="checkbox"/>	_____
Department of State Police	_____
University of Oregon - Public Safety (If Applicable)	_____
OLCC - Handled by University of Oregon (If Applicable)	_____
SPJ (If Applicable)	_____

Order sent via mail services courier to:

Lane County Sheriff's Office	_____
Eugene Police Department	_____
Lane County Adult Corrections	_____
Lane County Adult Corrections - Community Service	_____
City Prosecutor	_____

Removed all information from court files:

Companion case redacted	_____
Daily Final Docket(s) cut out (If Applicable)	_____
Scan all compliance documents into TCM	_____
Notify Management Analyst to mark as confidential	_____

**IN THE MUNICIPAL COURT FOR THE CITY OF EUGENE,
LANE COUNTY, OREGON**

CITY OF EUGENE,

PLAINTIFF,

V.

DEFENDANT.

CASE #: _____

**MOTION AND AFFIDAVIT TO SET
ASIDE AND SEAL A RECORD OF
ARREST (NO CHARGES FILED)**

COMES NOW the defendant and respectfully moves the court for an order to set aside and seal the arrest in the above matter pursuant to ORS 137.225. This motion is well founded in law and is made in good faith.

Full Name: _____ Date of Birth: _____

Mailing Address: _____ Phone Number: _____

City: _____ State: _____ Zip Code: _____

Arresting Agency: _____ Arrest Date: _____

Arrest Charge(s): _____

Defendant's Signature

AFFIDAVIT SUPPORTING MOTION TO SET ASIDE AND SEAL A RECORD OF ARREST

I, _____, hereby swear or affirm under penalty of perjury that I am the defendant in the above-entitled matter and that the following is true and submitted in support of my motion to set aside and seal the above-described arrest:

1. At least one (1) year has passed since the date of my arrest and no formal written complaint or other accusatory instrument has been filed against me, or I have been found not guilty or acquitted of the charge(s), or the charges have been dismissed;
2. I have not been arrested for any other offense within the three (3) year period immediately preceding the filing of this motion;
3. I have no convictions in any court for any felony, misdemeanor, or violation level offense within the last ten (10) years (other than traffic violations or one (1) non-traffic violation);
4. I have not previously had any conviction set aside which had a conviction date in the ten (10) year period immediately preceding the filing of this motion; and
5. I have no pending charges (other than traffic violations) in any court.
6. I have served a copy of the Motion and Affidavit and a complete set of my fingerprints on the City Prosecutor.

Defendant's Signature: _____ Date: _____

SUBSCRIBED AND SWORN to before me on _____ day of _____, 20_____.

Notary Public for Oregon
My commission expires: _____

**IN THE MUNICIPAL COURT FOR THE CITY OF EUGENE,
LANE COUNTY, OREGON**

CITY OF EUGENE,

PLAINTIFF,

V.

DEFENDANT.

CASE #: _____

**MOTION AND AFFIDAVIT TO SET ASIDE
CHARGE(S) ACQUITTED OR DISMISSED BY
THE COURT AND SEAL RECORD OF
ARREST**

COMES NOW the defendant and respectfully moves the court for an order to set aside charge(s) and seal the record of arrest in in the above matter pursuant to ORS 137.225. This motion is well founded in law and is made in good faith.

Full Name: _____ Date of Birth: _____

Mailing Address: _____ Phone Number: _____

City: _____ State: _____ Zip Code: _____

Arresting Agency: _____ Arrest Date: _____

Date of Dismissal/Acquittal: _____

Defendant's Signature

AFFIDAVIT SUPPORTING MOTION TO SET ASIDE CHARGE(S) AND SEAL RECORD OF ARREST

I, _____, hereby swear or affirm under penalty of perjury that I am the defendant in the above-entitled matter and that the following is true and submitted in support of my motion to set aside the above-described charges acquitted or dismissed by the Court and to seal the records of my arrest:

1. I have been acquitted of all charges contained in this case or they have been dismissed by the Court;
2. My acquittal on these charges and/or their dismissal by the Court resolves all of the charges that I am requesting to have set aside;
3. A copy of this Motion and Affidavit, along with a complete set of my fingerprints have been served on the City Prosecutor.
4. The arrest that I am seeking to have set aside occurred on _____;
5. The charge(s) that I was arrested for on the above date were: _____

Defendant's Signature: _____

Date: _____

SUBSCRIBED AND SWORN to before me on _____ day of _____, 20_____.

Notary Public for Oregon

My commission expires: _____

**IN THE MUNICIPAL COURT FOR THE CITY OF EUGENE,
LANE COUNTY, OREGON**

CITY OF EUGENE,

PLAINTIFF,

V.

DEFENDANT.

CASE #: _____

**MOTION AND AFFIDAVIT TO SET
ASIDE A CONVICTION AND SEAL
RECORD OF ARREST**

COMES NOW the defendant and respectfully moves the court for an order to set aside the conviction and seal the record of arrest in the above matter pursuant to ORS 137.225. This motion is well founded in law and is made in good faith.

Full Name: _____ Date of Birth: _____

Mailing Address: _____ Phone Number: _____

City: _____ State: _____ Zip Code: _____

Arresting Agency: _____ Arrest Date: _____ Conviction Date: _____

Convicted Charge(s): _____

Defendant's Signature

AFFIDAVIT SUPPORTING MOTION TO SET ASIDE A CONVICTION AND SEAL RECORD OF ARREST

I, _____, hereby swear or affirm under penalty of perjury that I am the defendant in the above-entitled matter and that the following is true and submitted in support of my motion to set aside the above-described conviction and seal the record of arrest:

1. My conviction is for one of the offenses which ORS 137.225 allows to be setaside;
2. At least three (3) years have passed since the date of my conviction;
3. I have not been convicted of any other felony, misdemeanor or violation level offense (other than traffic violations or one (1) non-traffic violation) within the ten (10) year period immediately preceding the filing of this motion;
4. I fully complied with and performed the sentence of the court, including payment of all financial obligations;
5. If my probation was revoked, at least ten (10) years have passed since the date of my probation revocation;
6. I have not previously had any other conviction set aside which had a conviction date in the ten (10) year period immediately preceding the filing of this motion;
7. I have no pending charges (other than traffic violations) in any court; and
8. I understand that if my conviction involved a victim, the City Prosecutor will notify the victim of this motion.
9. A copy of this Motion and Affidavit, along with a complete set of my fingerprints and a certified check made payable to the Oregon State police for their processing costs, has been served on the City Prosecutor.

Defendant's Signature: _____

Date: _____

SUBSCRIBED AND SWORN to before me on _____ day of _____, 20_____.

Notary Public for Oregon

My commission expires: _____