



EXPUNGEMENT/SET ASIDE INFORMATION

An expungement, also referred to as a Set Aside, 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. There is an administrative fee of \$60 set by the City of Eugene for processing an expungement/set aside request. This fee is payable to Eugene Municipal Court and **due upon filing the request**. If you are unable to pay the \$60 fee, please contact the Court about a possible waiver.

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

- You were arrested, no charges were filed - **60 days** from the notice of “NO FILE” by the City Prosecutor
- 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** for Class A Misdemeanors, **ONE YEAR** for Class B Misdemeanors, Class C Misdemeanors, and Violations.
- You were sentenced to probation and the probation was revoked – **3 YEARS** from date of the revocation

What documents are required for an expungement/set aside?

You will need a Motion to Set Aside and Declaration in Support form for your particular situation. These forms are all included in this packet.

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 need to forward the completed fingerprint card along with a fee to the Department of State Police for a criminal record check. More information regarding the criminal record check can be found at this address; www.oregon.gov/osp/programs/cjis/Pages/Criminal-Justice-Information-Services.aspx. The Department of State Police will forward a copy of the results of the criminal record check to the City Prosecutor. **NOTE: Your Motion will not move forward until the results of the criminal record check are received by the City Prosecutor.**

Effective Jan. 1, 2020, expungements for certain marijuana convictions will NOT require a filing fee, or a current fingerprint card or payment to the Oregon State Police. Please see Oregon Senate Bill 420 for more information.


Mail or deliver all applicable items as follows:

Check or money order for \$60
Administrative Fee


The original Motion to Set Aside and
Declaration in Support

Copy of the Motion to Set Aside and
Declaration in Support


A completed Fingerprint card and fee



Eugene Municipal Court
1102 Lincoln Street
Eugene OR 97401



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



Department of State Police – CJIS Division
CONTACT INFO: 503-378-3070
Or online at

www.oregon.gov/osp/programs/cjis/Pages/Criminal-Justice-Information-Services.aspx

What happens next?

The City Prosecutor has 120 days after you file to notify the court if they object to your Motion. If an objection is filed, the court will hold a hearing. Be sure the court always has contact information where you can be reached. If a hearing is scheduled and you do not appear, you may not be granted a set-aside.

If your request is granted the court will send copies of the Order to the necessary agencies. The record of the proceeding you asked to set aside will be sealed, meaning it will not be viewable through official court records or by court staff. Be aware that sealed records can be unsealed under certain limited circumstances. Talk to a lawyer if you are concerned about unsealing records in the future.

If your request for set-aside is granted, ORS 137.255(4) states that “upon entry of the order, the conviction, arrest, citation, charge or other proceeding [ordered set aside by the court] shall be deemed not to have occurred, and [you] may answer accordingly any questions relating to its occurrence.”

IN THE MUNICIPAL COURT OF THE CITY OF
EUGENE FOR THE COUNTY OF LANE
STATE OF OREGON

City of Eugene

Plaintiff

v.

Arresting Agency Case No: _____

Docket No(s) : _____

**MOTION TO SET ASIDE
and DECLARATION IN SUPPORT**

Defendant

DOB: _____

SID#: _____

MOTION

I ask the court to set aside the:

- conviction
- record of arrest with no charges filed
- record of citation or charge that was dismissed/acquitted
- contempt of court finding
- finding of Guilty Except for Insanity (GEI)

Regarding the charge(s) of: _____

STATEMENT OF POINTS AND AUTHORITIES

The court may set aside a conviction record or record of arrest, citation, charge, or finding of contempt as provided in ORS 137.225.

The court may set aside a judgment finding a person guilty except for insanity of an offense as provided in ORS 137.223.

DECLARATION IN SUPPORT

I am not currently charged with a crime

The arrest or citation I want to set aside is not for a charge of Driving Under the Influence of Intoxicants (DUII) that was dismissed because I completed a diversion program

Conviction or Finding of Contempt or GEI

Date of conviction, contempt finding, or judgment of GEI: _____

or

Date of release from prison or supervision by the Psychiatric Security Review Board (PSRB): _____

ORS 137.225 does not prohibit a set-aside of this conviction (*see Instructions*)

I am eligible to have my conviction set aside because I was convicted or found GEI of a:
(check all that apply)

Eligibility Date

- Misdemeanor – Class A *and*
 - 3 years have passed since the later of the conviction/judgment or release date *and*
 - I have not been convicted of any other offense or found guilty except for insanity in the past 3 years

- Misdemeanor – Class B or C *and*
 - 1 year has passed since the later of the conviction/finding/judgment or release date *and*
 - I have not been convicted of any other offense or found guilty except for insanity in the past year

- Violation or Contempt of Court *and*
 - 1 year has passed since the later of the conviction/finding/judgment or release date *and*
 - I have not been convicted of any other offense or found guilty except for insanity in the past year

Sentence (including sanctions for contempt)

- I have fully completed, complied with, or performed all terms of the sentence of the court

- I was sentenced to probation in this case **and:**
 - My probation WAS NOT revoked
- Or*
- My probation WAS revoked *and* 3 years have passed since the date of revocation

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**Record of Arrest, Citation, or Charge**

Date of arrest: \_\_\_\_\_

Arresting Agency: \_\_\_\_\_

I am eligible to have the record of arrest, citation, or charge set aside because:

- no accusatory instrument was filed and at least **60 days** have passed since the prosecuting attorney indicated that prosecution / contempt would not be pursued
- or*
- an accusatory instrument was filed and I was acquitted or the case was dismissed

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**Fingerprints**

➤ I  **have sent**  **will send** a copy of my fingerprints to the Department of State Police

**I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (typed or printed)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
Phone Number

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**Certificate of Mailing**

I certify that on *(date)*: \_\_\_\_\_ I  delivered or  placed in the United

States mail a true and complete copy of this *Motion to Set Aside and Declaration in Support* to the Prosecuting Attorney at *(address)*: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (typed or printed)