

**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____**

In the Matter of: _____) Case No(s): _____
_____)
_____) **APPLICATION FOR EXPUNCTION**
D.O.B. _____) **AND DECLARATION**
(ORS 419A.260 et seq.)

You have the right to have an attorney help you with this application. You may contact the court clerk to assist you in seeking court appointed counsel. Fill out the first three pages of the form and deliver it to the juvenile department to complete the fourth page. The juvenile department will provide a copy to the district attorney's office and file the application with the court.

1. Name from juvenile record: _____
Full name (including middle, if you have one)
2. Current name (if different) _____
Full name (including middle, if you have one)
3. Pronouns (optional): _____
4. Address: _____
Street City State Zip
5. Phone: _____ E-mail address: _____

6. I declare (select one of the following: A, B, C, or D. If none apply, fill out E):

A. ☐ ORS 419A.262(5)(a)

All of the following statements are true:

- I was never found within the jurisdiction of the juvenile court, and;
- I am over 18 years of age.

B. ☐ (Oregon Laws 2023, Chapter 182, Section 2., (3).

All of the following statements are true:

- I was found within the jurisdiction of the juvenile court for one or more violations or misdemeanors; and
- I was never found within the jurisdiction of the juvenile court for a felony; and
- There are no pending juvenile delinquency cases involving charges against me in juvenile court; and
- I do not owe any restitution; and
- I have not had contact with the juvenile department resulting in a conviction under ORS 137.707; and
- I have not been waived to criminal court pursuant to a hearing under ORS 419C.349 or 419C.352; and

- I am over 18 years of age.

C. ☐ ORS 419A.262(2)

All of the following statements are true:

- I was found within the jurisdiction of the juvenile court, and
- At least four years have passed since the court in _____ County terminated jurisdiction or wardship, or probation ended, and I have not been convicted of a felony or a Class A misdemeanor since that time; and
- I do not owe any restitution; and
- There are no pending juvenile delinquency cases involving criminal charges against me in any court; and
- I am not currently under any juvenile court's jurisdiction (419C.005; 419B.100(1)(a) to (c) and (f)).

I understand that to qualify under this section, the juvenile department must indicate to the court that it is not aware of any pending investigation into my conduct by a law enforcement agency.

ORS 419A.262(2)(e).

i. To request expungement of records relating **to rape in the third degree, sexual abuse in the third degree, sodomy in the third degree, or an attempt to commit those crimes:**

☐ All of the statements in (B) are true, and:

- I am not required to report as a sex offender; and
- I have not been convicted of, found guilty except for insanity of or found to be within the jurisdiction of the juvenile court based on a crime listed in 419A.260(1)(d)(J) (*see crimes listed in bold print at the bottom of this form*), other than the one I am requesting be expunged.

ii. To request expunction of records related to a **sex crime that is a Class C felony:**

☐ All of the statements in (B) are true and:

- I was under 16 years old when I committed the offense; and
- I am less than 2 years and 180 days older than the victim or at least two years and 180 days older, but less than three years and 180 days older than the victim and the expunction is in the interests of justice, to my benefit and is a benefit to the community; and
- The victim's lack of consent in my case was due solely to incapacity to consent by reason of being less than a specified age; and
- The victim was at least 12 years of age at the time of the offense; and
- There was only one victim; and
- I have not been convicted of, found guilty except for insanity of or found within the jurisdiction of the juvenile court based on a crime listed in ORS 419A.260(1)(d)(J) (*see crimes listed in bold print at the bottom of this form*) or an offense the court is prohibited from setting aside under ORS 137.225, other than the adjudication that I am requesting be expunged.

D. ☐ ORS 419A.262(3a)

I am requesting expunction of records relating to a charge, allegation or adjudication based on conduct from when I was under 18 that if done by an adult would constitute the **crime of prostitution**. My case was terminated (closed) in _____ County.

E. ☐ ORS 419A.265

I am requesting expunction of records **relating to possession, delivery or manufacture of marijuana or a marijuana item** and the following statements are true:

- At least one year has elapsed since my most recent termination (case closure) in _____ County; and
- I have not been adjudicated or convicted for any other act or offense (not including motor vehicle violations); and
- I have complied with and performed all conditions of the adjudication.

F. ☐ ORS 419A.262(8)

The other sections don't apply, but expunction would be in my and the public's **best interests** because (attach additional sheet if needed):

7. The court in _____ County has terminated jurisdiction or wardship, or that's where my probation ended.

List of juvenile courts, juvenile departments, law enforcement, the Oregon Department of Human Services and other agencies that may have expungable records. Please fill out to the best of your ability.

Case number or charge	Agency or court name (if known)	Address

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

Dated: _____ Signature: _____
Printed name: _____
Contact address: _____

Contact telephone: _____

The following page must be completed by a juvenile department representative before this document is submitted to the court.

List of juvenile courts, juvenile departments, law enforcement, the Oregon Department of Human Services and other agencies that may have expungable records provided

- ☐ below
☐ in an attached document

Case number or charge	Agency or court name (if known)	Address

Choose One:

A. ☐ This request for expunction is under ORS 419A.262 :

The juvenile department ☐ is ☐ is not aware of any pending investigation into the conduct of the person by any law enforcement agency.

☐ I provided a copy of this application to the district attorney in this county and each county in which the record to be expunged is kept.

B. ☐ This request for expunction is under Oregon Laws 2023, Chapter 182, Section 2. and does not require a copy and notice to the district attorney.

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

perjury.

Dated: _____ Signature: _____
Printed name: _____
Juvenile Department: _____
Contact address: _____

Contact telephone: _____

Records that cannot be expunged (with some exceptions noted above):

- (A) A transcript of a student's Youth Corrections Education Program academic record;
- (B) Material on file with a public agency which is necessary for obtaining federal financial participation regarding financial assistance or services on behalf of a person who has had a contact with the agency;
- (C) Records kept or disseminated by the Department of Transportation, State Marine Board and State Fish and Wildlife Commission pursuant to juvenile or adult order or recommendation;
- (D) Police and court records related to an order of waiver where the matter is still pending in the adult court or on appeal therefrom, or to any disposition as an adult pursuant to such order;
- (E) Records related to a support obligation;
- (F) Medical records other than those related to a finding of responsible except for insanity under ORS 419C.411;
- (G) Records of a proposed or adjudicated termination of parental rights and adoptions;
- (H) Any law enforcement record of a person who currently does not qualify for expunction or of current investigations or cases waived to the adult court;
- (I) Records and case reports of the Oregon Supreme Court and the Oregon Court of Appeals;
- (J) Any records in cases under ORS 419C.005 in which a juvenile court found a person to be within the jurisdiction of the court based upon the person's commission of an act which if done by an adult would constitute one of the following offenses:**
 - (i) Aggravated murder under ORS 163.095;**
 - (ii) Murder in any degree under ORS 163.107 or 163.115;**
 - (iii) Attempt, solicitation or conspiracy to commit murder in any degree or aggravated murder;**
 - (iv) Manslaughter in the first degree under ORS 163.118;**
 - (v) Manslaughter in the second degree under ORS 163.125;**
 - (vi) Criminally negligent homicide under ORS 163.145;**
 - (vii) Assault in the first degree under ORS 163.185;**
 - (viii) Criminal mistreatment in the first degree under ORS 163.205;**
 - (ix) Kidnapping in the first degree under ORS 163.235;**
 - (x) Rape in the third degree under ORS 163.355;**
 - (xi) Rape in the second degree under ORS 163.365;**
 - (xii) Rape in the first degree under ORS 163.375;**
 - (xiii) Sodomy in the third degree under ORS 163.385;**

- (xiv) Sodomy in the second degree under ORS 163.395;**
- (xv) Sodomy in the first degree under ORS 163.405;**
- (xvi) Unlawful sexual penetration in the second degree under ORS 163.408;**
- (xvii) Unlawful sexual penetration in the first degree under ORS 163.411;**
- (xviii) Sexual abuse in the third degree under ORS 163.415;**
- (xix) Sexual abuse in the second degree under ORS 163.425;**
- (xx) Sexual abuse in the first degree under ORS 163.427;**
- (xxi) Promoting prostitution under ORS 167.012;**
- (xxii) Compelling prostitution under ORS 167.017;**
- (xxiii) Aggravated driving while suspended or revoked under ORS 163.196;**
- (xxiv) Aggravated vehicular homicide under ORS 163.149; or**
- (xxv) An attempt to commit a crime listed in this subparagraph other than manslaughter in the second degree and criminally negligent homicide;**

(K) Blood samples, buccal samples and other physical evidence and identification information obtained, stored or maintained by the Department of State Police under authority of ORS 137.076, 181A.155 or 419C.473;

(L) Records maintained in the Law Enforcement Data System under ORS 163A.035;

(M) Records of a law enforcement agency or public investigative agency concerning an open or otherwise unresolved investigation.