JUVENILE COMMUNITY JUSTICE
NOTIFICATION OF EXPUNCTION RIGHTS

Expunction is a court order to remove and destroy or seal any and all records listed in the court order.

Upon entry of an expunction order, ORS 419A.262(20) states that "a person who is the subject of a record which has been expunged under this section may assert that the record never existed." An agency which is subject to the expunction order shall inform anyone who inquires about the record that the record does not exist. You are entitled to a copy of the expunction order and a list of agencies which have complied with the expunction order.

You have right of action against any person who intentionally violates the confidentiality of an expunged record.

You may be eligible for expunction of your juvenile record if:

1. At least five years have passed since your most recent case was terminated/dismissed; and
2. You have not been convicted of a felony or class A misdemeanor since your most recent case was terminated/dismissed; and
3. There are no pending proceedings seeking a criminal conviction or an adjudication in a juvenile court; and
4. There are no pending law enforcement investigations.

If you were never found to be in the jurisdiction of the court, you may be eligible for expunction of your juvenile record once you turn 18.

If the above conditions are not met, the juvenile court has the authority to expunge all or part of a record if it finds that to do so is in the best interests of the person and public.

If Deschutes County Juvenile Community Justice determines that your record does not meet the criteria for expunction, or the District Attorney denies an expunction request, you have a right to request a review of the decision by the juvenile court. You may seek advice and be represented by legal counsel.

Your record cannot be expunged if you were found to be within the court's jurisdiction based on an act, which would:

Constitute Child Abuse, and if done by an adult would constitute Criminal Mistreatment; Aggravated murder under ORS 163.095; Murder under ORS 163.115; Attempt, solicitation or conspiracy to commit murder or aggravated murder; Manslaughter in the first degree under ORS 163.118; Manslaughter in the second degree under ORS 163.125; Criminally negligent homicide under ORS 163.145; Assault in the first degree under ORS 163.185; Criminal mistreatment in the first degree under ORS 163.205; Kidnapping in the first degree under ORS 163.235; Rape in the third degree under ORS 163.355; Rape in the second degree under ORS 163.365; Rape in the first degree under ORS 163.375; Sodomy in the third degree under ORS 163.385; Sodomy in the second degree under ORS 163.395; Sodomy in the first degree under ORS 163.405; Unlawful sexual penetration in the second degree under ORS 163.408; Unlawful sexual penetration in the first degree under ORS 163.411; Sexual abuse in the third degree under ORS 163.415; Sexual abuse in the second degree under ORS 163.425; Sexual abuse in the first degree under ORS 163.427; Promoting prostitution under ORS 167.012; Compelling prostitution under ORS 167.017; or An attempt to commit a crime listed in this subparagraph other than manslaughter in the second degree and criminally negligent homicide.

Records kept by the Motor Vehicle Division, State Marine Board and Oregon State Fish and Wildlife Commission cannot be expunged.

IT IS YOUR RESPONSIBILITY TO APPLY FOR EXPUNCTION.

IF YOU WISH TO APPLY– CONTACT:

IN PERSON: Dennis Maloney Community Justice Building - 63360 Britta Street #1 Bend OR 97701

BY PHONE: (541) 388-6671

ON THE WEB: www.deschutes.org/juvenile and click "Expunction Application"