

CHAPTER 351

AN ACT

SB 873

Relating to expungement of eviction records.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS 105.105 to 105.168.

SECTION 2. (1) A person who was a defendant in an action under ORS 105.105 to 105.168 may apply by motion to the court where the judgment was entered for an order setting aside the judgment and sealing the official records of the action pertaining to the applicant. The court shall grant the motion if the court finds that:

(a) The judgment was a judgment of restitution entered against the applicant, a period of at least five years has passed from the date of entry of the judgment and the applicant has satisfied any money award included in the judgment;

(b) The judgment was a judgment by stipulation of the parties under ORS 105.145 (2) and the applicant has complied with the terms of the stipulated agreement and satisfied any money award included in the judgment; or

(c) The judgment was a judgment or judgment of dismissal entered in the applicant's favor.

(2) The applicant shall serve a copy of the motion filed under subsection (1) of this section upon the person who was the plaintiff in the action under ORS 105.105 to 105.168. Within 30 days of service of the motion, if a written objection is filed, the court shall schedule a hearing.

(3) If, under subsection (2) of this section, no objection is filed or after a hearing the court determines that the applicant is eligible for relief under subsection (1) of this section, the court shall enter an appropriate order setting aside the judgment and sealing the official records of the action pertaining to the applicant. Upon entry of the order, the judgment that is the subject of the motion shall be deemed not to have been entered, and the applicant may answer accordingly any questions relating to its occurrence.

(4) The court may not charge a filing fee for the filing of a motion under subsection (1) of this section.

SECTION 3. Section 2 of this 2019 Act applies to any judgment entered before, on or after the effective date of this 2019 Act.

Approved by the Governor June 11, 2019

Filed in the office of Secretary of State June 13, 2019

Effective date January 1, 2020