

JUVENILE DEPARTMENT CIRCUIT COURT FOR BAKER COUNTY

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EXPLANATION OF RIGHTS TO RECORD EXPUNCTION UNDER ORS 419A. 260 to 419A. 262

These rights provide for the removal and destruction of some police and juvenile court records and a written explanation of your rights under the law. You may apply for expunction of your juvenile court records at any time. You probably have a right to have your records destroyed if the following is true:

- At least 5 years have passed since your last police or juvenile court involvement;
- You have not been convicted of any Felony or Class A Misdemeanor since termination of juvenile jurisdiction;
- No proceedings are presently pending against you.

This record destruction includes files in any agency known to have such information. Upon entry of an expunction order, the contacts that you may have had with the police and the juvenile court shall be treated as if they never occurred. You are entitled to a copy of the expunction order and a list of the agencies that have complied with the order. Thereafter, you may legally assert that the record never existed and that the contact never occurred. Anyone violating your right to confidentiality commits a misdemeanor, and intentional violations of the law may constitute invasions of your privacy giving you a right to an action against the violator for punitive damages in the amount of \$1,000.00, in addition to any actual damages, costs and attorney's fee.

THE FOLLOWING EXCEPTIONS APPLY TO THE ABOVE:

You are eligible for expunction of your juvenile department file upon turning 18 years of age and you were never found to be within the jurisdiction of the Court including Formal Accountability Agreements, Diversion Agreements or dismissals during the intake process.

THE FOLLOWING CRIMES ARE NOT ELIGIBLE FOR EXPUNCTION: If you were found within the jurisdiction of the Court for any of the following:

- Aggravated Murder, ORS 163.095
- Murder, ORS 163.115
- Attempt, Solicitation or Conspiracy to Commit Murder or Aggravated Murder; Manslaughter I or II, ORS 163.118, ORS 163.125
- Criminally Negligent Homicide, ORS 163.145
- Assault I, ORS 163.405
- Manslaughter I, II or III, ORS 163.118, ORS 163.125
- Criminal Mistreatment I, ORS 163.205
- Kidnapping I, ORS 163.235
- Rape I, II or III, ORS 163.375, ORS 163.365, ORS 163.355
- Sodomy I, II or III, ORS 163.405, ORS 163.395, ORS 163.385
- Unlawful Sexual Penetration I or II, ORS 163.411, ORS 163.408
- Sexual Abuse I, II or III, ORS 163.427, ORS 163.425, ORS 163.415
- Promoting or Compelling Prostitution, ORS 167.012, ORS 167.017
- Aggravated Driving While Suspended or Revoked, ORS 163.196
- Aggravated Vehicular Homicide, ORS 163.149
- An attempt to commit a crime listed above other than manslaughter in the second

degree and criminally negligent homicide.