

Vacatur v. General Expungement in Oregon

TRAFFICKING LAW CENTER



Vacatur

To "vacate" or "set aside" a judgment

Used specifically for sex trafficking survivors to clear prostitution convictions

Must prove that the person convicted of prostitution was a victim of sex trafficking when charged with prostitution

ORS 137.221

General Expungement

To destroy or seal a record from state or federal court

Used to clear arrests, charges, and convictions like

- Class B felonies (except for firearms used in a felony ORS 166.429)
- Misdemeanors
- Class C felonies
- Felonies punishable as misdemeanor (ORS 161.705)

ORS 137.225

<https://www.traffickinglawcenter.org>

Phone: 503-308-1268

Trafficking Victims & Survivors Law Center is a program of the Charitable Partnership Fund, an Oregon 501(c)3 non profit. EIN 93-1267966.

Not intended as legal advice, for informational purposes only.



General Expungement

Setting aside a conviction if you:

Were Arrested but NOT Charged

- After one year from the date of arrest you can petition for record to be set aside.

Were Arrested and Charged but NOT Convicted of a Crime

- You can petition for record to be set aside (no waiting period).
- If you answer any of the following as true, you are **NOT** eligible:
 - Arrested in last 3 years for anything other than traffic offense?
 - Convicted of a crime in last 10 years other than traffic offense? In last 10 years you have had a conviction set aside?
 - You have current criminal proceedings against you OR you were arrested for driving under the influence & the charge was dismissed after completing your diversion agreement?

Were Arrested, Charged, and Convicted of a Crime

- To set aside your conviction, you must answer **ALL** of the following as true:
 - 1. You completed all requirements of your sentence, including probation in the past ten years
 - 2. You have not been convicted of another crime other than a traffic violation
 - 3. In the last 10 years you have not set aside another conviction
 - 4. You have no current criminal proceedings against you
- You must wait 3 years from date of conviction before applying for the offense to be set aside (other than class B felonies.)
- You must wait 20 years from date of conviction OR release from incarceration to apply for class B felonies to be set aside
- **NOTE:**
 - Some class B and most class A felonies cannot be set aside.
 - Traffic violations, DUIs, some crimes against the elderly or children, most sex offenses and most violent crimes cannot be set aside

National Human Trafficking Hotline:

Call 1-888-373-7888 or Text HELP or INFO to BeFree (233733)

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