

**PROCEDURES FOR SETTING ASIDE  
ARREST RECORD AND/OR CONVICTION**

**Things you will need to complete this process:**

- \* The necessary forms to request this action;
- \* Filing fee to the Lebanon Municipal Court in the amount of \$252.00;
- \* Cashier's check or money order in the amount of \$80.00 made payable to the Oregon State Police;
- \* A clear understanding of the law in the matter. Read Oregon Revised Statutes 137.225 carefully.

**PRIOR TO FILING determine if your conviction is eligible for and subject to expungement:** Convictions of all Class A felonies and most Class B felonies are *not* subject to expungement. Convictions of traffic offenses are *not* subject to expungement. Read ORS 137.225(5) carefully to make sure your conviction is subject to and eligible for expungement. Even if your conviction does qualify, there is a longer waiting period if you were convicted of more than one offense. See ORS 137.225(6). If your conviction is excluded, the court has no authority to grant your motion and it will be denied. Filing fees are non-refundable.

**Forms:** You need to complete (print legibly or type) the forms and have your signature notarized on the Affidavit. The documents to be notarized need to be filled out completely prior to the notarization process, so please make sure your documents are complete before you sign them. **Do not sign the Affidavit until you are in the presence of a Notary.** You can get the case number and arrest information from the court clerk.

**Fingerprints:** You need a complete set of your fingerprints. You may be fingerprinted by the Lebanon Police Department between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday. The cost for fingerprinting is \$20.00 for the first card and \$5.00 for each additional card. No credit cards or check are accepted (cash only).

**Copies:** Make two copies of the Motion, Affidavit and Order. You will file the originals with the Lebanon Municipal Court and you are required to serve the Lebanon City Attorney's office with one copy of the documents along with the fingerprints and the cashier's check/money order to the Oregon State Police. The extra copy of the documents is for your records.

**Filing your papers:** Submit the filing fee in the amount of \$252.00 and your original documents to the Lebanon Municipal Court, 40 N. Second Street, Suite 300, Lebanon, Oregon 97355. Make sure that you have completed all the blanks on the Motion, Affidavit and the Order forms and that you have signed and had your signature notarized on the Affidavit.

**Service on the Lebanon City Attorney:** After you have filed the original documents with the Lebanon Municipal Court and you have a receipt for payment of the filing fee, deliver or mail a copy of your receipt for the filing fee, the fingerprint card, a copy of the completed, signed and notarized forms and the cashier's check/money order in the amount of \$80.00 made payable to the Oregon State Police to ***The Morley Thomas Law Firm, 80 E. Maple Street, Lebanon, OR 97355.***

**What happens after you file your paperwork:** The City Attorney has the right to object to your request to have the records of your arrest and conviction set aside. They will send the fingerprints to the State Identification Bureau to confirm your identity and to see if there have been any other incidents that would cause them to want to object to your request. When the State Identification Bureau has completed their investigation, they will send the results to the City Attorney (this process can take up to 90 days to complete). Upon receipt of the response from the Identification Bureau, the City Attorney will notify the Court whether they object or not and if they are requesting a hearing on the matter. If a hearing is scheduled, you will be sent notice of the hearing. The Court will then decide whether to grant or deny your request. If the Court grants your request, a Judge will sign the Order that you submitted. Certified copies will be sent to those agencies that have your arrest records and to you. The Court will also order that the Court's file, which contains your request, be sealed. If the Court denies your request, an Order will be sent to you advising you that the request was denied.

**It is important to keep the Court advised of your current mailing address during this entire process.**