

INELIGIBLE TO EXPUNGE CONVICTIONS

Broadly, the types of convictions which are ineligible to expunge are any Class A felony, person felonies, traffic convictions, and almost all sex crimes. Please refer to the list below for additional ineligible convictions, eligible sex crime exceptions, and the complete list of person felonies.

Any Class A felony

Traffic convictions (though traffic felony or misdemeanor dismissals, except diverted DUIs, are eligible)

Criminal mistreatment in the second degree under ORS 163.200 if the victim at the time of the crime was 65 years of age or older

Criminal mistreatment in the first degree under ORS 163.205 if the victim at the time of the crime was 65 years of age or older, or when the offense constitutes child abuse as defined in ORS 419B.005

Endangering the welfare of a minor under ORS 163.575 (1)(a), when the offense constitutes child abuse as defined in ORS 419B.005

Criminally negligent homicide under ORS 163.145, when that offense was punishable as a Class C felony

Assault in the third degree under ORS 163.165 (1)(h)

Any sex crime, unless:

(A) The sex crime is listed in ORS 163A.140 (1)(a) and:

- (i) The person has been relieved of the obligation to report as a sex offender pursuant to a court order entered under ORS 163A.145 or 163A.150; and
- (ii) The person has not been convicted of, found guilty except for insanity of or found to be within the jurisdiction of the juvenile court based on a crime for which the court is prohibited from setting aside the conviction under this section; or

(B) The sex crime constitutes a Class C felony and:

- (i) The person was under 16 years of age at the time of the offense;
- (ii) The person is:
 - (I) Less than two years and 180 days older than the victim; or
 - (II) At least two years and 180 days older, but less than three years and 180 days older, than the victim and the court finds that setting aside the conviction is in the interests of justice and of benefit to the person and the community;
- (iii) The victim's lack of consent was due solely to incapacity to consent by reason of being less than a specified age;
- (iv) The victim was at least 12 years of age at the time of the offense;
- (v) The person has not been convicted of, found guilty except for insanity of or found to be within the jurisdiction of the juvenile court based on a crime for which the court is prohibited from setting aside the conviction under this section; and
- (vi) Each conviction or finding described in this subparagraph involved the same victim.

"Person felony" convictions under the following statutes:

ORS 166.429 Firearms used in felony

ORS 97.981 Purchase or Sale of a Body Part for Transplantation or Therapy;

ORS 97.982 Alteration of a Document of Gift;

ORS 162.165 Escape I;

ORS 162.185 Supplying Contraband as defined in Crime Categories 6 & 7 (OAR 213-018-0070(1) & (2));

ORS 163.095 Aggravated Murder;
ORS 163.107 Murder I;
ORS 163.115 Murder II;
ORS 163.115 Felony Murder;
ORS 163.118 Manslaughter I;
ORS 163.125 Manslaughter II;
ORS 163.145 Negligent Homicide;
ORS 163.149 Aggravated Vehicular Homicide;
ORS 163.160(3) Felony Assault;
ORS 163.165 Assault III;
ORS 163.175 Assault II;
ORS 163.185 Assault I;
ORS 163.187(4) Felony Strangulation;
ORS 163.192 Endangering Person Protected by FAPA Order;
ORS 163.196 Aggravated Driving While Suspended or Revoked;
ORS 163.205 Criminal Mistreatment I;
ORS 163.207 Female Genital Mutilation;
ORS 163.208 Assaulting a Public Safety Officer;
ORS 163.213 Use of Stun Gun, Tear Gas, Mace I;
ORS 163.225 Kidnapping II;
ORS 163.235 Kidnapping I;
ORS 163.263 Subjecting Another Person to Involuntary Servitude II;
ORS 163.264 Subjecting Another Person to Involuntary Servitude I;
ORS 163.266 Trafficking in Persons;
ORS 163.275 Coercion as defined in Crime Category 7 (OAR 213-018-0035(1));
ORS 163.355 Rape III;
ORS 163.365 Rape II;
ORS 163.375 Rape I;
ORS 163.385 Sodomy III;
ORS 163.395 Sodomy II;
ORS 163.405 Sodomy I;
ORS 163.408 Sexual Penetration II;
ORS 163.411 Sexual Penetration I;
ORS 163.413 Purchasing Sex With a Minor;
ORS 163.425 Sexual Abuse II;
ORS 163.427 Sexual Abuse I;
ORS 163.432 Online Sexual Corruption of a Child II;
ORS 163.433 Online Sexual Corruption of a Child I;
ORS 163.452 Custodial Sexual Misconduct in the First Degree;
ORS 163.465 Felony Public Indecency;
ORS 163.472 Unlawful Dissemination of Intimate Image;
ORS 163.479 Unlawful Contact with a Child;
ORS 163.525 Incest;
ORS 163.535 Abandon Child;
ORS 163.537 Buying/Selling Custody of a Minor;
ORS 163.547 Child Neglect I;
ORS 163.670 Using Child In Display of Sexual Conduct;
ORS 163.684 Encouraging Child Sex Abuse I;
ORS 163.686 Encouraging Child Sex Abuse II;
ORS 163.688, Possession of Material Depicting Sexually Explicit Conduct of Child I;
ORS 163.689, Possession of Material Depicting Sexually Explicit Conduct of Child II;

ORS 163.701 Invasion of Personal Privacy I;
ORS 163.732 Stalking;
ORS 163.750 Violation of Court & Stalking Order;
ORS 164.075 Extortion as defined in Crime Category 7 (OAR 213-018-0075(1));
ORS 164.225 Burglary I as defined in Crime Categories 8 & 9 (OAR 213-018-0025(1) & (2));
ORS 164.325 Arson I;
ORS 164.342 Arson Incident to the Manufacture of a Controlled Substance I;
ORS 164.377(2)(c) Computer Crime—Theft of an Intimate Image;
ORS 164.395 Robbery III;
ORS 164.405 Robbery II;
ORS 164.415 Robbery I;
ORS 164.886(3) Tree Spiking (Injury);
ORS 166.070 Aggravated Harassment;
ORS 166.087 Abuse of Corpse I;
ORS 166.165 Bias Crime I;
ORS 166.220 Unlawful Use of a Weapon;
ORS 166.275 Inmate In Possession of Weapon;
ORS 166.385(3) Felony Possession of a Hoax Destructive Device;
ORS 166.643 Unlawful Possession of Soft Body Armor as defined in Crime Category 6 (OAR 213-018-0090(1));
ORS 167.012 Promoting Prostitution;
ORS 167.017 Compelling Prostitution;
ORS 167.057 Luring a Minor;
ORS 167.320(4) Felony Animal Abuse I;
ORS 167.322 Aggravated Animal Abuse I;
ORS 468.951 Environmental Endangerment;
ORS 475.752(6)(a) Manufacturing or Delivering a Schedule IV Controlled Substance Thereby Causing Death to a Person;
ORS 475.908 Causing Another to Ingest a Controlled Substance as defined in Crime Categories 8 and 9 (OAR 213-019-0007 and 0008);
ORS 475.910 Unlawful Administration of a Controlled Substance as defined in Crime Categories 5, 8, and 9 (OAR 213-019-0007, -0008, and -0011);
ORS 475B.359 Arson Incident to Manufacture of Cannabinoid Extract I;
ORS 475B.367 Causing Another Person to Ingest Marijuana;
ORS 475B.371 Administration to Another Person Under 18 Years of Age;
ORS 609.990(3)(b) Maintaining Dangerous Dog;
ORS 811.705 Hit and Run Vehicle (Injury);
ORS 813.010(5) Felony Driving Under the Influence of Intoxicants (as provided in OAR 213-004-0009);
ORS 830.475(2) Hit and Run Boat;
ORS 837.365(2)(b) and (c) Unlawful Operation of Weaponized Unmanned Aircraft System; and attempts or solicitations to commit any Class A or Class B person felonies as defined herein.
Anything else classified as a “person felony” by the Oregon Criminal Justice Commission