

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF \_\_\_\_\_

Case No: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

v.

**MOTION TO SET ASIDE  
and DECLARATION IN SUPPORT**  
*No filing fee*

\_\_\_\_\_  
Defendant

DOB: \_\_\_\_\_

SID#: \_\_\_\_\_

Fingerprint number (FPN #) *if known*: \_\_\_\_\_

**MOTION**

I ask the court to set aside the:

☐ record of arrest with no charges filed

*or*

☐ record of arrest with charges filed and the associated: *(check all that apply)*

☐ conviction

☐ record of citation or charge that was dismissed/acquitted

☐ contempt of court finding

☐ finding of Guilty Except for Insanity (GEI)

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**STATEMENT OF POINTS AND AUTHORITIES**

The court may set aside a conviction record or record of arrest, citation, charge, or finding of contempt as provided in ORS 137.225.

The court may set aside a judgment finding a person guilty except for insanity of an offense as provided in ORS 137.223.

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**DECLARATION IN SUPPORT**

☐ I am not currently charged with a crime

☐ The arrest or citation I want to set aside is not for a charge of Driving Under the Influence of Intoxicants (DUII) that was dismissed because I completed a diversion program

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**CONVICTION OR FINDING OF CONTEMPT OR GEI**

Date of conviction, contempt finding, or judgment of GEI: \_\_\_\_\_

*or*

Date of release from prison or supervision by the Psychiatric Security Review Board (PSRB): \_\_\_\_\_

☐ ORS 137.225 does not prohibit a set-aside of this conviction (*see Instructions*)

I am eligible to have my conviction set aside because I was convicted or found GEI of a:  
(*check all that apply*)

Eligibility Date

- ☐ Felony – Class B *and*  
☐ 7 years have passed since the later of the conviction/judgment or release date *and*  
☐ I have not been convicted of any other offense or found guilty except for insanity in the past 7 years
- ☐ Felony – Class C *and*  
☐ 5 years have passed since the later of the conviction/judgment or release date *and*  
☐ I have not been convicted of any other offense or found guilty except for insanity in the past 5 years
- ☐ Misdemeanor – Class A *and*  
☐ 3 years have passed since the later of the conviction/judgment or release date *and*  
☐ I have not been convicted of any other offense or found guilty except for insanity in the past 3 years
- ☐ Misdemeanor – Class B or C *and*  
☐ 1 year has passed since the later of the conviction/finding/judgment or release date *and*  
☐ I have not been convicted of any other offense or found guilty except for insanity in the past year
- ☐ Violation or Contempt of Court *and*  
☐ 1 year has passed since the later of the conviction/finding/judgment or release date *and*  
☐ I have not been convicted of any other offense or found guilty except for insanity in the past year

Sentence (including sanctions for contempt)

- ☐ I have fully completed, complied with, or performed all terms of the sentence of the court
- ☐ I was sentenced to probation in this case ***and:***  
☐ My probation WAS NOT revoked  
*Or*  
☐ My probation WAS revoked *and* 3 years have passed since the date of revocation

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**RECORD OF ARREST, CITATION, OR CHARGE**

Date of arrest: \_\_\_\_\_  
*If no arrest date, date of citation, booking, or incident:* \_\_\_\_\_

Arresting Agency: \_\_\_\_\_

Charges (*list the charges you were arrested or cited for*): \_\_\_\_\_

I am eligible to have the record of arrest, citation, or charge set aside because:

☐ no accusatory instrument was filed and at least **60 days** have passed since the prosecuting attorney indicated that prosecution / contempt would not be pursued

or

☐ an accusatory instrument was filed and I was acquitted or the case was dismissed

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### **Fingerprints**

➤ I ☐ **have sent** ☐ **will send** a copy of my fingerprints to the Department of State Police

**I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (typed or printed)

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/State/Zip

\_\_\_\_\_  
Phone Number

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### **Certificate of Mailing**

I certify that on *(date)*: \_\_\_\_\_ I ☐ delivered or ☐ placed in the United States mail a true and complete copy of this *Motion to Set Aside and Declaration in Support* to the District Attorney at *(address)*: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (typed or printed)

STATE OF OREGON,

Plaintiff,

vs.

\_\_\_\_\_

Defendant

) Case No.: \_\_\_\_\_  
)  
) ORDER SETTING ASIDE ARREST RECORD  
)  
)  
)  
)  
)  
)  
)

THIS MATTER having come before the Court upon the Motion of the defendant for an Order Setting Aside all official records of this case pursuant to ORS 137.225; and the Court having reviewed the records and file herein, and now being fully advised, the Court hereby finds as follows:

1.) That the defendant was arrested as follows:

Original Arrest Date: \_\_\_\_\_

Original Arrest Charge: \_\_\_\_\_

Arresting Agency: \_\_\_\_\_

Date of Dismissal or Acquittal: \_\_\_\_\_

2.) That positive identification of the defendant has been established as follows:

FBI Identification Number:

Oregon State Identification Number:

Arresting Agency Number: \_\_\_\_\_

1           3.) That the circumstances and behavior of the defendant since the  
2           date of arrest are found to warrant setting aside the arrest records;

3           IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the defendant's arrest  
4           record herein should be and the same is set aside, pursuant to ORS 137.225,  
5           and hereafter the defendant, for all purposes of the law, shall be deemed not  
6           to have been previously arrested.

7           IT IS FURTHER ORDERED that the Clerk of the Court shall forward a  
8           certified copy of this Order to all law enforcement agencies mentioned in the  
9           Court's file, including the following:

- 10                   a) Federal Bureau of Investigation,  
11                   b) Oregon State Police  
12                   c) Oregon State corrections Division,  
13                   d) Arresting Agency.

14           IT IS FURTHER ORDERED that thereafter the record of arrest herein shall  
15           be sealed together with all other official records in this case, including  
16           investigation reports of the involved law enforcement agencies concerning the  
17           criminal episode.

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19                               DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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21                               \_\_\_\_\_  
                              Circuit Court Judge  
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