

CITY OF ASHLAND
MUNICIPAL COURT

1175 EAST MAIN STREET
ASHLAND, OR 97520
Office: (541) 482-5214

municourt@ashland.or.us

Motion to Set-Aside (Expungement) Process

Things you will need to complete this process:

- ✓ The necessary court forms to request this action;
- ✓ Oregon State Police (“OSP”) Request for Set Aside form (submit directly to OSP)
- ✓ Completed Fingerprint Card and fee, if applicable (submit directly to OSP)

Note: As of January 1, 2022, there is no court filing fee for any Motion to Set-Aside

The Ashland Municipal Court provides motions to set-aside forms or “packets” for no charge. Each packet includes a Motion, Affidavit, and Order.

You may pick up a packet from the Municipal Court Office during regular business hours: Monday to Thursday, excluding holidays, from 9:00 AM to 1:00 PM. You may also request a packet be sent to you by US mail or by email.

THERE ARE THREE TYPES OF SET-ASIDES:

1) **Arrest:** You were arrested, but no charges were filed by the prosecutor. Motion may be filed 60 days from the date of your scheduled arraignment or 60 days after the prosecution indicates they will not pursue charges; whichever date is earlier in time.

OR

2) **Arrest:** You were arrested and charged with a crime or violation, and the charge was dismissed, or you were acquitted in court. Motion may be filed at any time after disposition.

OR

3) **Convictions:** You were arrested, charged, and convicted of a crime or violation. You may have been sentenced to probation, served a jail sentence, or paid an imposed fine.
A. Motions on Class A misdemeanors may be filed 3 years after pronouncement of judgment or bail forfeiture and if probation has ended.
B. Motions on Class B, Class C, or Contempt of Court misdemeanors may be filed 1 year after pronouncement of judgment or bail forfeiture and if probation has ended.

Certain types of crimes and violations, such as traffic, do not qualify for expungement. If you submit a motion for an unqualified charge, the motion will be denied. ***For legal questions and/or legal assistance, please contact an attorney.***

The Oregon State Police website, <https://www.oregon.gov/osp/programs/cjis> (see programs< Set Aside (expungement) information), which provides references to assist you in gathering the information needed to fill out the forms. You may order a copy of your criminal history from the website.

You will also need to provide a set of your fingerprints. Please contact your local criminal justice agency regarding availability and fees for this service.

TO FILE:

- 1) Submit the *completed* forms (motion, affidavit and order) to the Ashland Municipal Court at 1175 East Main Street Ashland, OR 97520.
- 2) Serve copies of the original forms (motion, affidavit, and order) to the Ashland City Attorney's office at 20 East Main Street Ashland, OR 97520.
- 3) Submit Oregon State Police Request for Set Aside form and completed Fingerprint Card directly to OSP. (This form is found directly on the Oregon State Police website.)
- 4) **IMPORTANT:** Determine if you are required to pay a fee to Oregon State Police.
 - a) If your case resulted in a conviction and you are filing a Motion to Set Aside Conviction, you may be required to pay a fee directly to the Oregon State Police for a fingerprint-based Criminal record check. ****See OSP's documentation for more information****
 - b) If you are filing a Motion to Set Aside Arrest, there is no fee required by Oregon State Police.

WHAT HAPPENS NEXT:

Once filed with the Municipal Court, the case will be reviewed by the City Prosecutor. The City has a right to object to your expungement (arrest or conviction) request. Once reviewed, your paperwork will be forwarded to the Municipal Court Judge, who will sign the order (in agreement) or schedule a hearing for the prosecutor's objection, if one is received. If, at that hearing, the Judge determines the prosecutor's objection is in order, the Court will explain why your request is being denied in writing.

Once the order is compiled, Ashland Municipal Court will certify copies and forward them to the Oregon State police for completion. At that time, you will be notified by mail that the process has been completed.

Please be advised that the processing of a Motion to Set Aside may take several months because of the many agencies that are involved. Once you have filed your request, you may want to check in with the Court every 30 days or so to inquire about the status of the process.

*Disclaimer:

The information herein does not constitute legal advice, it is provided for information only. While we make every effort to provide accurate information, there is no guarantee as to the accuracy.