

Oregon



The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact policy@polarisproject.org.

GOOD FOR SURVIVORS:

Legal Effect:

In Oregon, the law returns the survivor to pre-record status. This means that for all practical purposes, once the process is complete, it is as if the offense never happened. For example, a statute receiving the highest ranking indicates that the conviction is vacated "on the merits" - meaning the charges never should have been brought in the first place. The highest-ranking statutes also include the automatic destruction of the records so they cannot be used against the survivor in the future.

Judicial Discretion:

Oregon provides that the court "shall" or "must" order relief if the survivor meets certain statutory requirements. Therefore, the survivor is guaranteed specific action based on their eligibility.

NEEDS IMPROVEMENT:

Only Applies to Sex Trafficking Survivors:

Oregon's statute is explicitly only for sex trafficking survivors and completely ignores the experience and victimization of labor trafficking survivors. The statute should apply to all survivors of human trafficking.

Offenses Covered:

The narrow scope of offenses currently covered by the criminal record relief statute in Oregon is inadequate because relief only applies to prostitution-related offenses - yet the range of offenses for which survivors are arrested and prosecuted is much broader. Ideally, legislators in Oregon would expand the statute to include all offenses so more survivors are eligible for relief.

Hearing Requirement:

Oregon requires a hearing in all instances for any petition for relief. However, hearing requirements can be time-consuming, expensive, and traumatizing for survivors. Ideally, hearings would not be required. A better middle ground would be to make the hearing conditional upon objection by other stakeholders.

Burden of Proof:

The current burden of proof in Oregon is "clear and convincing," which requires more proof of victimization than many survivors are able to access or use. Ideally, the burden of proof should be "preponderance of the evidence," which would be the most clear and most helpful to trafficking survivors.



Statute: [O.R.S. § 137.221](#)