

Purpose of this Information Sheet

This information sheet explains Oregon's process for expunging a Guilty Except for Insanity (GEI) adjudication under ORS 137.223, which took effect in 2016. It is intended to provide general information to individuals who were previously under the jurisdiction of the Psychiatric Security Review Board (PSRB) and who may be considering a petition to expunge their GEI adjudication, as well as to victims of the underlying offenses.

Who May Request Expungement?

A person who has been found GEI may apply for expungement if all of the following apply:

1. At least three (3) years have passed since the most recent GEI adjudication; and
2. The person is no longer under the jurisdiction of the Psychiatric Security Review Board (PSRB); and
3. The person has no other GEI adjudications within the ten (10) years immediately preceding the filing of the motion; and
4. The person has no criminal convictions (other than motor vehicle violations) within the ten (10) years immediately preceding the filing of the motion

What Offenses are Eligible for Expungement?

Eligibility for expungement depends on the type of offense and whether statutory conditions are met. The following adjudications may be eligible for expungement:

- Class B felonies, provided the offense is not excluded by statute and the applicable waiting period and eligibility requirements are satisfied,
- Class C felonies,
- Misdemeanors (Class A, B, or C),
- Felonies punishable as misdemeanors,
- Unlawful possession of a controlled substance, where eligible under statute,
- Violations of state or local ordinances,
- Findings of contempt of court, and
- Offenses committed before January 1, 1972, that would have been eligible for expungement if committed on or after that date

Are Certain Crimes Excluded from Expungement?

Yes. Some offenses cannot be expunged under Oregon law. Generally, the following are not eligible for expungement:

- Unclassified offenses, such as murder,
- Class A felonies,
- Most sex offenses, and
- Certain Class B and Class C felonies, depending on the offense and statutory exclusions

Because eligibility can be offense-specific and fact-dependent, individuals may wish to consult an attorney regarding whether a particular offense qualifies.



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GEI EXPUNGEMENT

Where Is the Expungement Petition Filed?

Expungement petitions must be filed with the court in the county in which the applicant was determined to be GEI.

How to Request Expungement

To request expungement, an applicant must:

- File a motion for expungement with the appropriate court;
- Submit a full set of fingerprints, clearly marked “Motion for Setting Aside Judgment of Guilty Except for Insanity”; and
- Serve a copy of the motion and fingerprint card on the District Attorney’s Office in the county where the GEI adjudication occurred.

How to Request PSRB Records Needed for the Petition

PSRB staff cannot provide legal advice or guidance on how to file an expungement petition. However, the PSRB can provide records to a petitioner who submits a [signed release of information](#). Please visit the PSRB website to [submit a records request](#).

If Expungement Is Granted, Will the PSRB Disclose That the Person Was Ever Under PSRB Jurisdiction?

No. If a court grants an expungement under ORS 137.223, the applicable GEI adjudication is sealed. For purposes of the expunged offense, the record is treated as though the individual had not been found Guilty Except for Insanity. Oregon’s GEI expungement law largely mirrors the expungement standards that apply to criminal convictions under ORS 137.225.

Once a GEI adjudication is expunged, the PSRB will not disclose records or information that would reveal the existence of the expunged GEI adjudication or the individual’s prior PSRB jurisdiction related to that offense, except as permitted by law. PSRB records associated with the expunged adjudication are sealed in accordance with the court’s order.

| Resources for Petitioners | | Resources for Victims |
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| <p>Oregon State Bar Website: www.osbar.org Phone: 503-684-3763 or 800-452-7636</p> | <p>Disability Rights Oregon Website: www.droregon.org Phone: 503-243-2081 or 800-452-1694</p> | <p>County Victim Assistance Program¹ in the county where the GEI adjudication occurred.</p> |

¹ Oregon Department of Justice, County Victim Assistance Programs link: <https://www.doj.state.or.us/crime-victims/resources/county-victim-assistance-programs/>