

A-Engrossed
Senate Bill 364

Ordered by the Senate March 6
Including Senate Amendments dated March 6

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires court to [*use current classification of*] **consider** marijuana offenses **committed before July 1, 2013, to be classified as if conduct occurred on July 1, 2013**, when determining if person is eligible for order setting aside conviction.

Authorizes court to enter judgment of conviction for misdemeanor when person convicted of certain marijuana offenses successfully completes probation.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the classification of marijuana offenses; amending ORS 161.705 and section 12, chapter
3 591, Oregon Laws 2013; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** Section 12, chapter 591, Oregon Laws 2013, is amended to read:

6 **Sec. 12. (1) Except as provided in subsection (2) of this section**, the amendments to ORS
7 475.752, 475.856 and 475.864 by sections 1 to 3 [*of this 2013 Act*], **chapter 591, Oregon Laws 2013**,
8 apply to conduct occurring on or after [*the effective date of this 2013 Act*] **July 1, 2013**.

9 **(2) When a person convicted of a marijuana offense based on conduct occurring before**
10 **July 1, 2013, files a motion for a court order setting aside the conviction pursuant to ORS**
11 **137.225, the court shall consider the offense to be classified under ORS 161.535 or 161.555 as**
12 **if the conduct occurred on July 1, 2013, when determining if the person is eligible for the**
13 **order.**

14 **SECTION 2.** ORS 161.705 is amended to read:

15 161.705. Notwithstanding ORS 161.525, the court may enter judgment of conviction for a Class
16 A misdemeanor and make disposition accordingly when:

17 (1)(a) A person is convicted of any Class C felony;

18 (b) A person is convicted of a Class B felony pursuant to ORS 475.860 (2)(a); or

19 (c) A person convicted of a felony described in paragraph (a) or (b) of this subsection, **of pos-**
20 **session of marijuana constituting a Class B felony**, or of a Class A felony pursuant to ORS
21 166.720, has successfully completed a sentence of probation; and

22 (2) The court, considering the nature and circumstances of the crime and the history and char-
23 acter of the defendant, believes that it would be unduly harsh to sentence the defendant for a felony.

24 **SECTION 3. This 2015 Act being necessary for the immediate preservation of the public**
25 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **on its passage.**

2
