

# Senate Bill 364

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## 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 **as introduced**.

Requires court to use current classification of marijuana offenses when determining if person is eligible for order setting aside conviction.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the classification of marijuana offenses; amending section 12, chapter 591, Oregon Laws  
3 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 as under current law when de-**  
12 **termining if the person is eligible for the order.**

13 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**  
14 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
15 **on its passage.**

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**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.