

SB 975 A STAFF MEASURE SUMMARY**Carrier:** Sen. Frederick**Senate Committee On Judiciary****Action Date:** 04/09/19**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 6-1-0-0**Yeas:** 6 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski**Nays:** 1 - Thatcher**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Michael Lantz, Counsel**Meeting Dates:** 4/8, 4/9**WHAT THE MEASURE DOES:**

Allows individual convicted of a marijuana offense to request reduction of offense classification if the crime has since been reduced from a felony to a misdemeanor, reduced from a felony to a violation, reduced from a higher level felony to a lower level felony, or reduced from a higher level misdemeanor to a lower level misdemeanor. Provides that person requesting reduction is not required to pay otherwise applicable fees, file set of fingerprints, or undergo background check. Ensures prosecuting attorney has notice and opportunity to object to reduction. Directs court to vacate original judgment and enter new judgment if deemed appropriate.

ISSUES DISCUSSED:

- Ballot Measure 91 decriminalized many marijuana offenses
- No provisions in subsequent legislation for reduction or vacation of conduct
- Effect of amendments
- Need for additional discussion

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

In 2014, Oregon voters enacted Ballot Measure 91 which allowed for the creation of a recreational marijuana market. Under BM 91 and subsequent legislation passed by the Legislative Assembly, members of the public are allowed to grow, sell, and consume marijuana under certain conditions. However, neither BM 91 nor subsequent legislation addressed individuals with criminal convictions under marijuana laws that are no longer in effect or which have been reclassified down.

Senate Bill 975 A allows an individual convicted of a marijuana offense to request a reduction of the offense classification if the crime has since been reduced from a felony to a misdemeanor, reduced from a felony to a violation, reduced from a higher level felony to a lower level felony, or reduced from a higher level misdemeanor to a lower level misdemeanor. It also provides that the person requesting the reduction is not required to pay otherwise applicable fees, file a set of fingerprints, or undergo a background check. Additionally, SB 975 A requires the individual filing for the set-aside to file notice with the prosecuting attorney's office and gives the prosecuting attorney's office 30 days to contest the requested reduction if the office believes the person's conviction is not eligible for an offense reduction. If the prosecuting attorney's office does contest, the court is required to hold a hearing. Finally, if the court does find that the individual is eligible for a reduction, it requires the court to vacate the original conviction and enter a new conviction at the appropriate level.