

SB 975 B STAFF MEASURE SUMMARY

Carrier: Rep. Barker

House Committee On Judiciary**Action Date:** 05/22/19**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 10-1-0-0**Yeas:** 10 - Barker, Bynum, Gorsek, Greenlick, McLane, Piluso, Power, Sprenger, Stark, Williamson**Nays:** 1 - Lewis**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Michael Lantz, Counsel**Meeting Dates:** 5/21, 5/22**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 and individual has completed their sentence. Provides that person requesting reduction is not required to pay otherwise applicable fees. Ensures prosecuting attorney has notice and opportunity to object to reduction. Directs court to amend original judgment if deemed appropriate.

ISSUES DISCUSSED:

- Collateral consequences of marijuana-related conviction
- Costs associated with measure
- Purpose of background check requirement
- Previous marijuana policies

EFFECT OF AMENDMENT:

Replaces 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neither BM 91 nor subsequent legislation addressed individuals with criminal convictions under marijuana laws that are no longer in effect or which have been reclassified down.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 B 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 so long as the individual has completed his or her sentence. It provides that the person requesting the reduction is not required to pay otherwise applicable fees. Additionally, SB 975 B 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 amend the original judgment.