

**A-Engrossed**  
**Senate Bill 975**

Ordered by the Senate April 22  
Including Senate Amendments dated April 22

Sponsored by 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.

*[Directs Oregon Criminal Justice Commission to conduct study on effect of prisoner reentry programs on rates of recidivism and present report on findings to interim committees of Legislative Assembly related to judiciary on or before September 15, 2020.]*

*[Sunsets January 2, 2021.]*

**Establishes procedures for persons with marijuana convictions to file motion requesting court to reduce offense classification if, since entry of judgment of conviction, offense classification has been reduced. Provides that fee is not required for motion. Specifies grounds for objection and burden of proof.**

**A BILL FOR AN ACT**

1  
2 Relating to crime.

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

4 **SECTION 1. (1) Notwithstanding ORS 161.525, a person by motion may request the court**  
5 **to reduce the offense classification of a marijuana conviction under this section if the person**  
6 **was convicted of a marijuana offense that, since entry of judgment of conviction, has been:**

7 (a) **Reduced from a felony to a misdemeanor;**

8 (b) **Reduced from a higher level felony to a lower level felony;**

9 (c) **Reduced from a higher level misdemeanor to a lower level misdemeanor; or**

10 (d) **Reduced from a crime to a violation.**

11 (2) **A person filing a motion under this section is not required to pay the filing fee es-**  
12 **tablished under ORS 21.135 or any other fee or to file a set of fingerprints.**

13 (3)(a) **At the time of filing the motion, the person shall serve a copy of the motion upon**  
14 **the office of the prosecuting attorney of the jurisdiction in which the judgment of conviction**  
15 **was entered.**

16 (b) **The prosecuting attorney, within 30 days after the filing of the motion under para-**  
17 **graph (a) of this subsection, may file an objection to granting the motion only on the basis**  
18 **that the person's conviction is not eligible for reduction under this section.**

19 (c) **If no objection from the prosecuting attorney is received by the court within 30 days**  
20 **after the filing of the motion, the court shall grant the motion and enter an order as de-**  
21 **scribed in subsection (5) of this section.**

22 (4) **If the court receives an objection from the prosecuting attorney, the court shall hold**  
23 **a hearing to determine whether the person's conviction is not eligible for reduction under**  
24 **this section. The person has the burden of establishing, by a preponderance of the evidence,**  
25 **that since the entry of judgment of the conviction, the offense classification has been re-**

**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 **duced to a lower-level offense. If the court determines that the conviction is eligible for re-**  
2 **duction under this section, the court shall grant the motion and enter an order as provided**  
3 **in subsection (5) of this section.**

4 **(5) Upon granting a motion under this section, the court shall vacate the original judg-**  
5 **ment of conviction and enter a new judgment of conviction at the appropriate offense level.**

6