

## SENATE AMENDMENTS TO SENATE BILL 975

By COMMITTEE ON JUDICIARY

April 22

1 Delete lines 4 through 9 of the printed bill and insert:

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

5 **“(a) Reduced from a felony to a misdemeanor;**

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

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

8 **“(d) Reduced from a crime to a violation.**

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

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

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

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

20 **“(4) If the court receives an objection from the prosecuting attorney, the court shall hold**  
21 **a hearing to determine whether the person’s conviction is not eligible for reduction under**  
22 **this section. The person has the burden of establishing, by a preponderance of the evidence,**  
23 **that since the entry of judgment of the conviction, the offense classification has been re-**  
24 **duced to a lower-level offense. If the court determines that the conviction is eligible for re-**  
25 **duction under this section, the court shall grant the motion and enter an order as provided**  
26 **in subsection (5) of this section.**

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

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