

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 975**

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

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

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

12 **“(2) A person filing a motion under this section is not required to**
13 **pay the filing fee established under ORS 21.135 or any other fee or to**
14 **file a set of fingerprints.**

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

18 **“(b) The prosecuting attorney, within 30 days after the filing of the**
19 **motion under paragraph (a) of this subsection, may file an objection**
20 **to granting the motion only on the basis that the person’s conviction**
21 **is not eligible for reduction under this section.**

1 “(c) If no objection from the prosecuting attorney is received by the
2 court within 30 days after the filing of the motion, the court shall
3 grant the motion and enter an order as described in subsection (5) of
4 this section.

5 “(4) If the court receives an objection from the prosecuting attor-
6 ney, the court shall hold a hearing to determine whether the person’s
7 conviction is not eligible for reduction under this section. The person
8 has the burden of establishing, by a preponderance of the evidence,
9 that since the entry of judgment of the conviction, the offense classi-
10 fication has been reduced to a lower-level offense. If the court deter-
11 mines that the conviction is eligible for reduction under this section,
12 the court shall grant the motion and enter an order as provided in
13 subsection (5) of this section.

14 “(5) Upon granting a motion under this section, the court shall va-
15 cate the original judgment of conviction and enter a new judgment of
16 conviction at the appropriate offense level.”.

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