74th OREGON LEGISLATIVE ASSEMBLY - 2007 Regular Session   **MEASURE:**   **SB 296 A**
STAFF MEASURE SUMMARY   **CARRIER:**   **Rep. Barker**
House Committee on Judiciary

REVENUE: No revenue impact
FISCAL: No fiscal impact

Action:	Do Pass	
Vote:	8 - 0 - 1	
	Yeas:	Barker, Bonamici, Cameron, Komp, Krieger, Read, Whisnant, Macpherson
	Nays:	0
	Exc.:	Flores
Prepared By:	Darian Stanford, Counsel	
Meeting Dates:	5/21, 5/22	

WHAT THE MEASURE DOES: Removes reference to delivery of marijuana for consideration as crime category 8. Classifies delivery of controlled substance in Schedule I, II or III to person under age 18 years as crime category 8. Classifies delivery of marijuana to person under age 18 by person over age 18 years and at least 3 years older than person under age 18 years as crime category 8.

ISSUES DISCUSSED:
   •   Bill addresses drafting error last session

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: ORS 475.900 classifies drug crimes according to the Oregon Criminal Justice Commission's Sentencing Guidelines Grid. Presently, level 8 drug offenses (the most serious drug offenses) include: (1) delivery/manufacture of substantial quantities; (2) delivery/manufacture/possession as a commercial drug offense; (3) delivery/manufacture within 1,000 feet of a school; (4) certain methamphetamine manufacture offenses; and (5) delivery of marijuana. This last offense—delivery of marijuana—was erroneously included as a level 8 offense last session (delivery of cocaine, methamphetamine, heroin, etc. are level 6 offenses; also, delivery of marijuana is elsewhere classified as a level 4 offense).

SB 296 A addresses this error. It removes the reference to delivery of marijuana as a level 8 offense. Instead, it clarifies that delivery of marijuana to a person under age 18 years, if the accused is over age 18 and at least 3 years older than the underage person, is a level 8 offense. It also classifies delivery of any controlled substance (other than marijuana) in Schedules I, II or II to a person under age 18 years as a level 8 offense.

This summary has not been adopted or officially endorsed by action of the committee.