

SB 420 -2 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Michael Lantz, Counsel

Meeting Dates: 4/5, 4/8

WHAT THE MEASURE DOES:

Provides that marijuana misdemeanor convictions for possession, delivery, or manufacturing resulting from conduct occurring before bill enactment will be set aside. Directs Department of Justice to review records to identify eligible convictions. Allows Department of Justice to access and request relevant information. Requires prosecuting attorneys to provide information to Department of Justice and file motion to set aside convictions with applicable court. Directs court to vacate any active provisions of sentence, provide notice to Department of Corrections and other relevant agencies, and provide reasonable notice to defendant. Provides that defendant is not required to make further payments towards fines and fees if conviction is set aside.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Replaces measure. Allows person to apply to court to have marijuana convictions for possession, delivery, and manufacture that are no longer crimes under current law set aside. Exempts person filing for set aside from any otherwise applicable fees. Removes standard requirement that individual provide fingerprints and undergo background check. Provides prosecuting attorney with notice and opportunity to contest. Requires court to seal records for set aside convictions and provide notice to Department of Corrections and other relevant agencies. Adds definitions

BACKGROUND:

In 2014, Oregon voters passed Initiative 91 which allowed for the creation of a recreational marijuana market. Under Initiative 91 and additional legislation passed by the Legislative Assembly, members of the public are allowed to grow, sell, and consume marijuana under certain conditions. However, neither Initiative 91 nor subsequent legislation addressed individuals with criminal convictions under marijuana related laws that are no longer in effect.

SB 420 creates a process to set aside certain marijuana related convictions for which a person could not be convicted under current law.