

**B-Engrossed**  
**Senate Bill 975**

Ordered by the House May 30  
Including Senate Amendments dated April 22 and House Amendments  
dated May 30

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.

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. **Requires person to have completed and fully complied with or performed sentence of court in order for court to grant motion.**

**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)(a) Notwithstanding ORS 161.525, a person by motion may request the**  
5 **court to reduce the offense classification of a marijuana conviction as provided in this sec-**  
6 **tion.**

7 **(b) A marijuana conviction is eligible for reduction under this section if, since entry of**  
8 **judgment of conviction, the marijuana offense has been:**

9 **(A) Reduced from a felony to a misdemeanor;**

10 **(B) Reduced from a higher level felony to a lower level felony;**

11 **(C) Reduced from a higher level misdemeanor to a lower level misdemeanor; or**

12 **(D) Reduced from a crime to a violation.**

13 **(2) A person filing a motion under this section is not required to pay the filing fee es-**  
14 **tablished under ORS 21.135 or any other fee.**

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

18 **(b) The prosecuting attorney, within 30 days after the filing of the motion under para-**  
19 **graph (a) of this subsection, may file an objection to granting the motion only on the basis**  
20 **that:**

21 **(A) The person's conviction is not eligible for reduction under this section; or**

22 **(B) The person has not completed and fully complied with or performed the sentence of**  
23 **the court.**

24 **(4) If no objection from the prosecuting attorney is received by the court within 30 days**  
25 **after the filing of the motion, the court shall grant the motion and proceed as provided in**  
26 **subsection (6) of this section if the conviction is eligible for reduction under this section and**

**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 **the court determines that the person has completed and fully complied with or performed**  
2 **the sentence of the court.**

3 **(5)(a) If the court receives an objection from the prosecuting attorney, the court shall**  
4 **hold a hearing.**

5 **(b) At the hearing, the person has the burden of establishing, by a preponderance of the**  
6 **evidence, that:**

7 **(A) The conviction is eligible for reduction under this section; and**

8 **(B) The person completed and fully complied with or performed the sentence of the court.**

9 **(c) If, at the hearing, the court determines that the conviction is eligible for reduction**  
10 **under this section and the person completed and fully complied with or performed the sen-**  
11 **tence of the court, the court shall grant the motion and proceed as provided in subsection**  
12 **(6) of this section.**

13 **(6) Upon granting a motion under this section, the court shall enter an amended judg-**  
14 **ment of conviction at the appropriate offense level.**

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