

Requested by Representative WILLIAMSON

**PROPOSED AMENDMENTS TO  
SENATE BILL 420**

1 On page 1 of the printed bill, delete lines 4 through 28 and delete page  
2 2 and insert:

3 **“SECTION 1. (1) Notwithstanding ORS 137.225, a person with a**  
4 **qualifying marijuana conviction may apply to the court in which the**  
5 **judgment of conviction was entered for entry of an order setting aside**  
6 **the conviction as provided in this section.**

7 **“(2)(a) The person may file a motion under this section at any time**  
8 **following entry of judgment of conviction for a qualifying marijuana**  
9 **conviction.**

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

13 **“(c) No background check or identification by the Department of**  
14 **State Police is required to set aside a conviction under this section.**

15 **“(2)(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 who**  
17 **prosecuted the offense.**

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 a qualifying marijuana conviction.**

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 (4) of  
4 this section.

5       “(3) If the court receives an objection from the prosecuting attor-  
6 ney, the court shall hold a hearing to determine whether the con-  
7 viction sought to be set aside is a qualifying marijuana conviction. If  
8 the court determines that the conviction is a qualifying marijuana  
9 conviction, the court shall grant the motion and enter an order as  
10 provided in subsection (4) of this section.

11       “(4) Upon granting a motion to set aside a qualifying marijuana  
12 conviction under this section, the court shall enter an appropriate  
13 order. Upon the entry of the order, the person for purposes of the law  
14 shall be deemed not to have been previously convicted and the court  
15 shall issue an order sealing the record of conviction and other official  
16 records in the case, including the records of arrest, citation or charge.

17       “(5) The clerk of the court shall forward a certified copy of the or-  
18 der to such agencies as directed by the court. A certified copy must  
19 be sent to the Department of Corrections when the person has been  
20 in the custody of the Department of Corrections. Upon entry of the  
21 order, the conviction, arrest, citation, charge or other proceeding shall  
22 be deemed not to have occurred, and the person may answer accord-  
23 ingly any questions relating to its occurrence.

24       “(6) As used in this section:

25       “(a) ‘Marijuana’ has the meaning given that term in ORS 475B.015.

26       “(b) ‘Prosecuting attorney’ means a district attorney or a city at-  
27 torney with a criminal prosecutorial function.

28       “(c) ‘Qualifying marijuana conviction’ means a conviction for a  
29 marijuana offense for which judgment was entered prior to July 1,  
30 2015, for:

1       **“(A) Possession of less than one ounce of marijuana;**  
2       **“(B) Delivery of marijuana for no consideration; or**  
3       **“(C) Manufacture of marijuana involving fewer than eight**  
4       **marijuana plants.”.**

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