

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Judicial Department)

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 975**

1 On page 1 of the printed A-engrossed bill, delete lines 4 through 25 and
2 delete page 2 and insert:

3 **“SECTION 1. (1)(a) Notwithstanding ORS 161.525, a person by mo-**
4 **tion may request the court to reduce the offense classification of a**
5 **marijuana conviction as provided in this section.**

6 **“(b) A marijuana conviction is eligible for reduction under this**
7 **section if, since entry of judgment of conviction, the marijuana of-**
8 **fense 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**
12 **misdemeanor; or**

13 **“(D) Reduced from a crime to a violation.**

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

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

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

1 **“(A) The person’s conviction is not eligible for reduction under this**
2 **section; or**

3 **“(B) The person has not completed and fully complied with or per-**
4 **formed the sentence of the court.**

5 **“(4) If no objection from the prosecuting attorney is received by the**
6 **court within 30 days after the filing of the motion, the court shall**
7 **grant the motion and proceed as provided in subsection (6) of this**
8 **section if the conviction is eligible for reduction under this section and**
9 **the court determines that the person has completed and fully complied**
10 **with or performed the sentence of the court.**

11 **“(5)(a) If the court receives an objection from the prosecuting at-**
12 **torney, the court shall hold a hearing.**

13 **“(b) At the hearing, the person has the burden of establishing, by**
14 **a preponderance of the evidence, that:**

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

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

18 **“(c) If, at the hearing, the court determines that the conviction is**
19 **eligible for reduction under this section and the person completed and**
20 **fully complied with or performed the sentence of the court, the court**
21 **shall grant the motion and proceed as provided in subsection (6) of this**
22 **section.**

23 **“(6) Upon granting a motion under this section, the court shall en-**
24 **ter an amended judgment of conviction at the appropriate offense**
25 **level.”.**

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