

House Bill 3374

Sponsored by Representative MOORE-GREEN

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 **as introduced**.

Provides that when court reduces felony conviction to Class A misdemeanor after person's completion of probation, person for purposes of law is deemed not to have been previously convicted of felony.

A BILL FOR AN ACT

1
2 Relating to the reduction of felony charges; creating new provisions; and amending ORS 161.705 and
3 161.710.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 161.705 is amended to read:

6 161.705. (1) Notwithstanding ORS 161.525, the court may enter judgment of conviction for a
7 Class A misdemeanor and make disposition accordingly when:

8 (a)(A) A person is convicted of any Class C felony; or

9 (B) A person convicted of a Class C felony, of possession or delivery of marijuana or a marijuana
10 item as defined in ORS 475B.015 constituting a Class B felony, of possession of a controlled sub-
11 stance constituting a Class B felony or of a Class A felony pursuant to ORS 166.720, has successfully
12 completed a sentence of probation; and

13 (b) The court, considering the nature and circumstances of the crime and the history and char-
14 acter of the defendant, believes that a felony conviction would be unduly harsh.

15 (2) The entry of judgment of conviction for a Class A misdemeanor under this section may be
16 made:

17 (a) At the time of conviction, for offenses described in subsection (1)(a)(A) of this section; or

18 (b) At any time after the sentence of probation has been completed, for offenses described in
19 subsection (1)(a)(B) of this section.

20 **(3) Upon entry of judgment of conviction for a Class A misdemeanor under subsection**
21 **(2)(b) of this section, the person for purposes of the law shall be deemed not to have been**
22 **previously convicted of the felony.**

23 **SECTION 2.** ORS 161.710 is amended to read:

24 161.710. (1) Notwithstanding ORS 161.525, the court has authority, at any time after a sentence
25 of probation has been completed, to enter judgment of conviction for a Class A misdemeanor for a
26 person convicted of criminal driving while suspended or revoked under ORS 811.182 committed be-
27 fore September 1, 1999, and constituting a felony if:

28 [(1)] (a) The suspension or revocation resulted from habitual offender status under ORS 809.640;

29 [(2)] (b) The person successfully completed the sentence of probation; and

30 [(3)] (c) The court finds that, considering the nature and circumstances of the crime and the
31 history and character of the person, it would be unduly harsh for the person to continue to have a

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 felony conviction.

2 **(2) Upon entry of judgment of conviction for a Class A misdemeanor under this section,**
3 **the person for purposes of the law shall be deemed not to have been previously convicted of**
4 **the felony.**

5 **SECTION 3.** **The amendments to ORS 161.705 and 161.710 by sections 1 and 2 of this 2021**
6 **Act apply to judgments of conviction for Class A misdemeanors entered, under ORS 161.705**
7 **or 161.710, before, on or after the effective date of this 2021 Act.**

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