

HB 3112-2
(LC 1467)
4/6/21 (SCT/ps)

Requested by Representative FAHEY

**PROPOSED AMENDMENTS TO
HOUSE BILL 3112**

1 On page 19 of the printed bill, delete lines 7 through 12 and insert:

2 “(2) The office shall prepare a report that includes:

3 “(a) The list described in subsection (1) of this section and recommen-
4 dations of additional offenses that a conviction for which should be consid-
5 ered a qualifying marijuana offense as defined in ORS 475B.401; and

6 “(b) Recommendations for improvements to the process of setting aside
7 qualifying marijuana convictions, including expansion of the process de-
8 scribed in ORS 475B.401 to include marijuana-related offenses that are not
9 qualifying marijuana offenses.

10 “(3) No later than July 1, 2022, the office shall submit, in the manner
11 provided in ORS 192.245, the report described in subsection (2) of this section
12 to the interim committees of the Legislative Assembly related to the judici-
13 ary, to the Judicial Department and to the Cannabis Equity Board.”.

14 In line 13, delete “(3)” and insert “(4)”.

15 In line 18, delete “(1)(a)” and insert “(1) As used in this section, ‘office
16 of public defense services’ has the meaning given that term in ORS 151.211.

17 “(2)(a)”.

18 In line 20, delete “, as defined in ORS 151.211,”.

19 In line 25, delete “(2)(a)” and insert “(3)(a)”.

20 In line 26, delete “, as”.

21 In line 27, delete “defined in ORS 151.211,”.

1 After line 31, insert:

2 “(4)(a) All municipal and justice courts in this state shall, no later than
3 90 days after the operative date specified in section 49 of this 2021 Act,
4 provide to the office of public defense services information concerning all
5 persons who may qualify to have a conviction set aside under ORS 475B.401.

6 “(b) The municipal and justice courts shall make best efforts to ensure
7 that the information provided under paragraph (a) of this subsection is suf-
8 ficient to identify the person and the specific case resulting in the con-
9 viction.

10 “(5)(a) All district attorneys in this state shall, no later than 90 days after
11 the operative date specified in section 49 of this 2021 Act, provide to the
12 office of public defense services information concerning all persons who may
13 qualify to have an arrest, citation or other charge set aside under ORS
14 475B.401.

15 “(b) The district attorneys shall make best efforts to ensure that the in-
16 formation provided under paragraph (a) of this subsection is sufficient to
17 identify the person and the specific arrest, citation or other charge.”.

18 Delete lines 43 through 45 and insert:

19 “(B) Child neglect based solely upon conduct described in ORS 475B.301
20 or possession of less than one ounce of the dried leaves, stems or flowers of
21 marijuana; or

22 “(C) Endangering the welfare of a minor based solely upon conduct de-
23 scribed in ORS 475B.301 or possession of less than one ounce of the dried
24 leaves, stems or flowers of marijuana.”.

25 On page 20, delete lines 1 and 2.

26 In line 33, after “court” insert “finds that the prosecuting attorney has
27 not met the burden of proof and”.

28 On page 21, after line 22, insert:

29 “(3) The office may contract with an independent attorney to assist the
30 office in carrying out its duties under this section.”.

- 1 In line 23, delete “(3)” and insert “(4)”.
- 2 In line 24, after the first “office,” insert “an attorney contracted by the
- 3 office under subsection (3) of this section,”.
- 4 In line 26, delete “(4)” and insert “(5)”.
- 5 In line 27, delete “(5)” and insert “(6)”.
- 6 On page 22, delete lines 28 through 45.
- 7 On page 23, delete lines 1 through 5.
- 8 On page 25, line 8, delete “, 40 and 44a” and insert “and 40”.
- 9 In line 16, delete “, 40 and”.
- 10 In line 17, delete “44a” and insert “and 40”.

11
