

HB 3825 A -A4 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 4/30, 5/12, 5/13, 5/14

WHAT THE MEASURE DOES:

The measure amends provisions relating to the expiration of certain court-ordered monetary obligations in criminal cases.

Detailed Summary

- Provides that remedies in a judgment of conviction in a municipal court or justice court for violating a city or county ordinance or state statute prohibiting the possession of less than one ounce of marijuana, that have not yet expired under the provisions of ORS 18.194, expire on the measure's effective date.
- Adds a provision to ORS 137.225, relating to setting aside a conviction or record of a criminal charge, stating that if remedies in a judgment have expired, a person shall be considered to have fully complied with the sentence with respect to those monetary obligations.

Takes effect on the 91st day following adjournment sine die.

HOUSE VOTE: Ayes, 41; Nays, 13

ISSUES DISCUSSED:

- Municipal and justice court ordered fines remained after circuit court ordered monetary obligations were removed on the same charges
- Impact of lingering fines and fees on persons re-entry

EFFECT OF AMENDMENT:

-A4 :The amendment replaces the measure and amends provisions relating to the expiration of municipal or justice court-ordered monetary obligations in criminal cases for less than one ounce of marijuana.

Detailed Summary

- Provides that monetary obligations in a judgment of conviction for violating a city or county ordinance or state statute prohibiting the possession of less than one ounce of marijuana occurring prior to July 1, 2015 in a municipal court or justice court, that have not yet expired under the provisions of ORS 18.194, expire on the measure's effective date.
- Provides that a person whose monetary obligations have expired under this provision shall be considered to have completed, fully complied with and performed the sentence of the court with respect to those monetary obligations for purposes of ORS 137.225 or 475C.397 or any other statute authorizing the court to set aside the judgment of conviction.

Takes effect on the 91st day following adjournment sine die.

BACKGROUND:

Under current Oregon law, ORS 18.180, remedies for a judgment in a criminal action expire 20 years after the entry of the judgment. ORS 137.225 provides that a person who has fully complied with and performed the sentence of the court for the offense, including payment of any monetary obligations in the judgment, may apply for an order to set-aside a conviction that is otherwise eligible under the statute.

House Bill 3825A provides that any remedies in a judgment of conviction for possession of less than one ounce of marijuana that have not yet expired will expire on the effective date of this act. It also states that if the judgment remedies for any monetary obligations in the judgment of criminal conviction have expired, the person shall be considered to have fully complied with or performed the sentence of the court with respect to those monetary obligations.