

HB 2469-1
(LC 2324)
3/31/25 (JLM/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Oregon Criminal Defense Lawyers Association)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2469**

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the
2 line and delete line 3 and insert “153.008 and 161.568.”

3 Delete lines 5 through 25 and delete pages 2 through 7 and insert:

4 **“SECTION 1. Section 2 of this 2025 Act is added to and made a part**
5 **of ORS 161.705 to 161.737.**

6 **“SECTION 2. (1) Notwithstanding ORS 161.545, and except as pro-**
7 **vided in subsection (3) of this section, the court may enter a judgment**
8 **of conviction for a Class A violation and make disposition accordingly**
9 **when:**

10 **“(a) A person is convicted of any misdemeanor other than one listed**
11 **in subsection (3) of this section; and**

12 **“(b) The court, considering the nature and circumstances of the**
13 **crime and the history and character of the defendant, believes that a**
14 **violation conviction is appropriate.**

15 **“(2) The entry of a judgment of conviction for a Class A violation**
16 **under this section may be made at the time of conviction, and the**
17 **court shall clearly denominate the offense as a Class A violation in the**
18 **judgment.**

19 **“(3) A court may not enter a judgment of conviction for a violation**
20 **for the following misdemeanors under this section:**

21 **“(a) Assault in the fourth degree under ORS 163.160;**

1 **“(b) Strangulation under ORS 163.187;**
2 **“(c) Menacing under ORS 163.190;**
3 **“(d) Sexual abuse in the third degree under ORS 163.415;**
4 **“(e) Encouraging child sexual abuse in the third degree under ORS**
5 **163.687;**
6 **“(f) Invasion of personal privacy in the second degree under ORS**
7 **163.700;**
8 **“(g) Stalking under ORS 163.732;**
9 **“(h) Violating a court’s stalking protective order under ORS 163.750;**
10 **“(i) Fleeing or attempting to elude a police officer under ORS**
11 **811.540;**
12 **“(j) Driving under the influence of intoxicants under ORS 813.010;**
13 **“(k) A misdemeanor constituting domestic violence as defined in**
14 **ORS 135.230;**
15 **“(L) A misdemeanor that was originally charged as a felony and for**
16 **which the court entered a judgment of conviction for a misdemeanor**
17 **under ORS 161.705; or**
18 **“(m) A misdemeanor for which an order of restitution is outstand-**
19 **ing.**
20 **“(4) Notwithstanding ORS 153.019 and 153.021, if the court enters a**
21 **judgment of conviction for a Class A violation under this section, the**
22 **fine that the court may impose:**
23 **“(a) May be waived, after the court has taken into consideration the**
24 **defendant’s ability to pay and whether the defendant has already paid**
25 **any fines, fees or restitution on the charge;**
26 **“(b) May be less than the presumptive fine established by ORS**
27 **153.019 for a Class A violation; and**
28 **“(c) May not exceed the maximum fine established by ORS 153.018**
29 **for a Class A violation.**
30 **“SECTION 3. ORS 161.568 is amended to read:**

1 “161.568. (1) Except as provided in subsection (4) of this section, a court
2 may elect to treat any misdemeanor as a Class A violation for the purpose
3 of entering a default judgment under ORS 153.102 if:

4 “(a) A complaint or information has been filed with the court for the
5 misdemeanor;

6 “(b) The defendant has failed to make an appearance in the proceedings
7 required by the court or by law; and

8 “(c) The court has given notice to the district attorney for the county and
9 the district attorney has informed the court that the district attorney does
10 not object to treating the misdemeanor as a Class A violation.

11 “(2) If the court treats a misdemeanor as a Class A violation under this
12 section, the court shall amend the accusatory instrument to reflect the
13 charged offense as a Class A violation and clearly denominate the offense
14 as a Class A violation in the judgment entered in the matter.

15 “(3) Notwithstanding ORS 153.021, if the court treats a misdemeanor as
16 a Class A violation under this section, the fine that the court may impose
17 under a default judgment entered pursuant to ORS 153.102 may not:

18 “(a) Be less than the presumptive fine established by ORS 153.019 for a
19 Class A violation; or

20 “(b) Exceed the maximum fine established by ORS 153.018 for a Class A
21 violation.

22 “(4) A court may not treat misdemeanors created under ORS 811.540 or
23 813.010 as violations under the provisions of this section.

24 “(5) **Notwithstanding subsections (1) and (4) of this section, for**
25 **misdemeanors other than those listed in section 2 (3) of this 2025 Act:**

26 “(a) **The court may elect to treat the misdemeanor as a Class A**
27 **violation for the purpose of entering a default judgment under ORS**
28 **153.102, regardless of whether the district attorney objects.**

29 “(b) **The court may elect to treat the misdemeanor as a Class A**
30 **violation at any time after the filing of an information, upon agree-**

1 **ment of the district attorney and the defendant.**

2 **“SECTION 4.** ORS 153.008 is amended to read:

3 “153.008. (1) Except as provided in subsection (2) of this section, an of-
4 fense is a violation if any of the following apply:

5 “(a) The offense is designated as a violation in the statute defining the
6 offense.

7 “(b) The statute prescribing the penalty for the offense provides that the
8 offense is punishable by a fine but does not provide that the offense is
9 punishable by a term of imprisonment. The statute may provide for punish-
10 ment in addition to a fine as long as the punishment does not include a term
11 of imprisonment.

12 “(c) The offense is created by an ordinance of a county, city, district or
13 other political subdivision of this state with authority to create offenses, and
14 the ordinance provides that violation of the ordinance is punishable by a fine
15 but does not provide that the offense is punishable by a term of
16 imprisonment. The ordinance may provide for punishment in addition to a
17 fine as long as the punishment does not include a term of imprisonment.

18 “(d) The prosecuting attorney has elected to treat the offense as a vio-
19 lation for purposes of a particular case in the manner provided by ORS
20 161.566.

21 “(e) The court has elected to treat the offense as a violation for purposes
22 of a particular case in the manner provided by ORS 161.568.

23 **“(f) The court has entered a judgment for a violation under section**
24 **2 of this 2025 Act.**

25 “(2) Conviction of a violation does not give rise to any disability or legal
26 disadvantage based on conviction of a crime.

27 **“SECTION 5. Section 2 of this 2025 Act and the amendments to ORS**
28 **153.008 and 161.568 by sections 3 and 4 of this 2025 Act apply to criminal**
29 **proceedings initiated on or after the effective date of this 2025 Act.”.**

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