

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2473**

1 On page 1 of the printed A-engrossed bill, line 2, after “136.583,” insert
2 “161.566, 161.570,”.

3 On page 9, after line 5, insert:

4 **“SECTION 5.** ORS 161.566 is amended to read:

5 “161.566. (1) Except as provided in subsection (4) of this section, a prose-
6 cuting attorney may elect to treat any misdemeanor as a Class A violation.
7 The election must be made by the prosecuting attorney orally [*at the time*
8 *of the first appearance of the defendant*] or in writing [*filed on or before the*
9 *time scheduled for the first appearance of the defendant*]. If no election is
10 made [*within the time allowed*], the case shall proceed as a misdemeanor.

11 “(2) If a prosecuting attorney elects to treat a misdemeanor as a Class
12 A violation under this section, the court shall amend the accusatory instru-
13 ment to reflect the charged offense as a Class A violation and clearly de-
14 nominate the offense as a Class A violation in any judgment entered in the
15 matter. Notwithstanding ORS 153.021, the fine that a court may impose upon
16 conviction of a violation under this section may not:

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

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

21 “(3) If a prosecuting attorney elects to treat a misdemeanor as a Class

1 A violation under this section, and the defendant fails to make any required
2 appearance in the matter, the court may enter a default judgment against the
3 defendant in the manner provided by ORS 153.102. Notwithstanding ORS
4 153.021, the fine that the court may impose under a default judgment entered
5 pursuant to ORS 153.102 may not:

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

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

10 “(4) A prosecuting attorney may not elect to treat misdemeanors created
11 under ORS 811.540 or 813.010 as violations under the provisions of this sec-
12 tion.

13 “(5) The election provided for in this section may be made by a city at-
14 torney acting as prosecuting attorney in the case of municipal ordinance
15 offenses, a county counsel acting as prosecuting attorney under a county
16 charter in the case of county ordinance offenses, and the Attorney General
17 acting as prosecuting attorney in those criminal actions or proceedings
18 within the jurisdiction of the Attorney General.

19 **“SECTION 6.** ORS 161.570 is amended to read:

20 “161.570. (1) As used in this section, ‘nonperson felony’ has the meaning
21 given that term in the rules of the Oregon Criminal Justice Commission.

22 “(2) A district attorney may elect to treat a Class C nonperson felony or
23 a violation of ORS 475.752 (7)(b), 475.854 (2)(c) or 475.874 (2)(c) as a Class A
24 misdemeanor. The election must be made by the district attorney orally or
25 in writing [*at the time of the first appearance of the defendant*]. If a district
26 attorney elects to treat a Class C felony or a violation of ORS 475.752 (7)(b),
27 475.854 (2)(c) or 475.874 (2)(c) as a Class A misdemeanor under this sub-
28 section, the court shall amend the accusatory instrument to reflect the
29 charged offense as a Class A misdemeanor.

30 “[*(3) If, at some time after the first appearance of a defendant charged with*

1 *a Class C nonperson felony or a violation of ORS 475.752 (7)(b), 475.854 (2)(c)*
2 *or 475.874 (2)(c), the district attorney and the defendant agree to treat the*
3 *charged offense as a Class A misdemeanor, the court may allow the offense to*
4 *be treated as a Class A misdemeanor by stipulation of the parties.]*

5 “[(4)] (3) If a Class C felony or a violation of ORS 475.752 (7)(b), 475.854
6 (2)(c) or 475.874 (2)(c) is treated as a Class A misdemeanor under this section,
7 the court shall clearly denominate the offense as a Class A misdemeanor in
8 any judgment entered in the matter.

9 “[(5)] (4) If no election [*or stipulation*] is made under this section, the case
10 proceeds as a felony.

11 “[(6)] (5) Before a district attorney may make an election under sub-
12 section (2) of this section, the district attorney shall adopt written guidelines
13 for determining when and under what circumstances the election may be
14 made. The district attorney shall apply the guidelines uniformly.

15 “[(7)] (6) Notwithstanding ORS 161.635, the fine that a court may impose
16 upon conviction of a misdemeanor under this section may not:

17 “(a) Be less than the minimum fine established by ORS 137.286 for a fel-
18 ony; or

19 “(b) Exceed the amount provided in ORS 161.625 for the class of felony
20 receiving Class A misdemeanor treatment.”.

21 In line 6, delete “5” and insert “7”.

22 After line 9, insert:

23 “(3) The amendments to ORS 161.566 and 161.570 by sections 5 and 6 of
24 this 2025 Act apply to prosecutions commenced on or after the effective date
25 of this 2025 Act.”.

26 In line 10, delete “6” and insert “8”.