

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	5 - 0 - 0
Yeas:	Beyer, Kruse, Prozanski, Walker, Burdick
Nays:	0
Exc.:	0
Prepared By:	Darian Stanford, Counsel
Meeting Dates:	1/29, 4/26

WHAT THE MEASURE DOES: Removes reference to delivery of marijuana for consideration as crime category 8. Classifies delivery of controlled substance in Schedule I, II or III to person under 18 as crime category 8. Classifies delivery of marijuana to person under 18 by person over 18 and at least 3 years older than person under 18 as crime category 8.

ISSUES DISCUSSED:

- Reason for bill is inadvertent drafting mistake last session

EFFECT OF COMMITTEE AMENDMENT: Removes erroneous and superfluous statutory references from original bill.

BACKGROUND: ORS 475.900 classifies drug crimes according to the Oregon Criminal Justice Commission's Sentencing Guidelines Grid. Presently, level 8 drug offenses (the most serious drug offenses) include (1) delivery/manufacture of substantial quantities, (2) delivery/manufacture/possession as a commercial drug offense, (3) delivery/manufacture within 1000 feet of a school, (4) certain methamphetamine manufacture offenses and (5) delivery of marijuana. This last offense—delivery of marijuana—was erroneously included as a level 8 offense last session (delivery of cocaine, methamphetamine, heroin, etc. are level 6 offenses; also, delivery of marijuana is elsewhere classified as a level 4 offense).

SB 296 A addresses this error. It removes the reference to delivery of marijuana as a level 8 offense. Instead, it clarifies that delivery of marijuana to a person under 18 if the accused is over 18 and at least 3 years older than the underage person is a level 8 offense. It also classifies delivery of any controlled substance (other than marijuana) in Schedules I, II or III to a person under 18 as a level 8 offense.