

**A-Engrossed**  
**House Bill 2285**

Ordered by the House May 6  
Including House Amendments dated May 6

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

*[Decreases penalty for crime of cheating to maximum of one year's imprisonment, \$6,250 fine, or both.]*

**Makes crime of delivery of marijuana punishable by maximum of five years' imprisonment, \$125,000 fine, or both if delivery is for no consideration.**

**A BILL FOR AN ACT**

Relating to crime; creating new provisions; and amending ORS 161.705 and 475.860.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 475.860 is amended to read:

475.860. (1) It is unlawful for any person to deliver marijuana.

(2) Unlawful delivery of marijuana is a:

(a) Class B felony if the delivery is for consideration.

**(b) Class C felony if the delivery is for no consideration.**

(3) Notwithstanding subsection (2) of this section, unlawful delivery of marijuana is a:

(a) Class A misdemeanor, if the delivery is for no consideration and consists of less than one avoirdupois ounce of the dried leaves, stems and flowers of the plant Cannabis family Moraceae; or

(b) Violation, if the delivery is for no consideration and consists of less than five grams of the dried leaves, stems and flowers of the plant Cannabis family Moraceae. A violation under this paragraph is punishable by a fine of not less than \$500 and not more than \$1,000. Fines collected under this paragraph shall be forwarded to the Department of Revenue for deposit in the Criminal Fine and Assessment Account established in ORS 137.300.

(4) Notwithstanding subsections (2) and (3) of this section, unlawful delivery of marijuana is a:

(a) Class A felony, if the delivery is to a person under 18 years of age and the defendant is at least 18 years of age and is at least three years older than the person to whom the marijuana is delivered; or

(b) Class C misdemeanor, if the delivery:

(A) Is for no consideration;

(B) Consists of less than five grams of the dried leaves, stems and flowers of the plant Cannabis family Moraceae;

(C) Takes place in a public place, as defined in ORS 161.015, that is within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 by minors; and

2 (D) Is to a person who is 18 years of age or older.

3 **SECTION 2.** ORS 161.705 is amended to read:

4 161.705. Notwithstanding ORS 161.525, the court may enter judgment of conviction for a Class  
5 A misdemeanor and make disposition accordingly when:

6 (1)(a) A person is convicted of any Class C felony;

7 (b) A person is convicted of a Class B felony pursuant to ORS 475.860 (2)(a);

8 (c) A person is convicted of the Class B felony of possession of marijuana pursuant to ORS  
9 475.864 (2); or

10 (d) A person convicted of any of the felonies described in paragraphs (a) to (c) of this subsection,  
11 or of a Class A felony pursuant to ORS 166.720, has successfully completed a sentence of probation;  
12 and

13 (2) The court, considering the nature and circumstances of the crime and the history and char-  
14 acter of the defendant, believes that it would be unduly harsh to sentence the defendant for a felony.

15 **SECTION 3. The amendments to ORS 161.705 and 475.860 by sections 1 and 2 of this 2009**  
16 **Act apply to conduct occurring on or after the effective date of this 2009 Act.**

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