

HOUSE AMENDMENTS TO HOUSE BILL 2285

By COMMITTEE ON JUDICIARY

May 6

1 In line 2 of the printed bill, after the semicolon delete the rest of the line and insert “creating
2 new provisions; and amending ORS 161.705 and 475.860.”.

3 Delete lines 4 through 18 and insert:

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

5 “475.860. (1) It is unlawful for any person to deliver marijuana.

6 “(2) Unlawful delivery of marijuana is a:

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

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

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

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

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

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

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

22 “(b) Class C misdemeanor, if the delivery:

23 “(A) Is for no consideration;

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

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

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

30 “**SECTION 2.** ORS 161.705 is amended to read:

31 “161.705. Notwithstanding ORS 161.525, the court may enter judgment of conviction for a Class
32 A misdemeanor and make disposition accordingly when:

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

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

35 “(c) A person is convicted of the Class B felony of possession of marijuana pursuant to ORS

1 475.864 (2); or

2 “(d) A person convicted of any of the felonies described in paragraphs (a) to (c) of this sub-
3 section, or of a Class A felony pursuant to ORS 166.720, has successfully completed a sentence of
4 probation; and

5 “(2) The court, considering the nature and circumstances of the crime and the history and
6 character of the defendant, believes that it would be unduly harsh to sentence the defendant for a
7 felony.

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

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