

Suggested Revisions to Oregon's Drug Laws March 7, 2013

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HB 2409

- Crime seriousness ranking increases if a person manufactures or delivers controlled substances within 1000' of a school.
- School is defined as elementary, secondary or career school
- No inclusion of a preschool within the definition
- Purpose of law

HB 2408

- Current Law: Endangering the Welfare of a Minor, ORS 163.575 (1)(b)
 - Misdemeanor offense for any controlled substance to allow child to remain where controlled substances are maintained or conducted.
 - Need to differentiate and recognize seriousness of meth, heroin and cocaine exposure to adolescents
- Creates two levels of offenses
 - Felony if meth, heroin or cocaine
 - Misdemeanor if other controlled substance

HB 2204

- 3 components to this bill
 - 1) Creates substantial quantities for Oxycodone, Hydrocodone and Methadone
 - 2) Creates an overdose enhancement for death and serious physical injury
 - 3) Revises marijuana substantial quantities

Substantial Quantity Overview

- Level 10 Offense (58-130 months) for delivery/manufacture
 - More than 500 grams (1 pound = 454 grams) of cocaine, methamphetamine
 - More than 100 grams of heroin
 - More than 500 pills of ecstasy
- Level 9 offense (34-72 months) for delivery/manufacture
 - More than 100 grams of cocaine, methamphetamine
 - More than 50 grams of heroin
 - More than 250 pills of ecstasy

Substantial Quantities Cont.

- Level 8 Offense (16-45 months) for delivery or manufacture of:
 - More than 10 grams of cocaine or meth
 - More than 5 grams of heroin
 - More than 5 grams or 25 pills of ecstasy
 - More than 150 grams of marijuana

Anything less than these figures is Level 4 offense (primarily probation and local jail sanction up to 60 days).

Needs to address

- Need substantial quantities Oxy deliveries
- Need overdose enhancement for delivery that results in death or serious physical injury
- Need to be sensitive to potential fiscal impact
- Solution = revise marijuana substantial quantities to offset any additional costs by Oxy and overdose enhancement

Oxycodone Enhancement

- Current Trends with Oxy
 - Price & Entry to Heroin
- Current State of the Law
- Need for proportional sentences based on relevant conduct
- Suggestion by Clackamas County DA's Office
 - Level 10: more than 500 pills
 - Level 9: more than 100 pills
 - Level 8: more than 50 pills
 - Level 6: more than 10 pills
 - Level 4: less than 10 pills

Overdose Enhancement

- Current State of Law in Oregon
 - Level 4 or 6 (primarily 60-90 days jail)
- Federal Law
 - Mandatory Minimum of 20 years
 - Oregon – approx 45 people prosecuted federally in ten years
 - Approx 25 guilty pleas; approx 20 cases pending
 - Source: Oregonian - January 7, 2013
- Results:
 - Not been multiple 20 year sentences
 - Fostered unbelievable cooperation to effectuate dismantlement and disruption of major drug trafficking organizations in Oregon
- Proposal:
 - Create level 10 enhancement if death results
 - Create level 9 enhancement if serious physical injury results

How will we pay for enhancements?

- Solution: adjust marijuana sub quantities
- Proposal:
 - Level 4: less than 1 kilo or 10 mature plants
 - Level 6: more than 1 kilo or 10 mature plants
 - Level 8: more than 5 kilos or 50 mature plants
 - Level 9: more than 20 kilos or 200 mature plants
 - Level 10: more than 50 kilos or 500 mature plants

Clackamas County 2011 data: 17 marijuana convictions resulted in DOC sentences. Under new proposal, 9 offenders would have served time @ county jail rather than DOC.

HB 3195 – creates similar scale, but no plant quantification – major oversight.

