

HOUSE AMENDMENTS TO HOUSE BILL 2204

By COMMITTEE ON JUDICIARY

April 25

1 On page 1 of the printed bill, line 2, after “ORS” insert “475.806, 475.808, 475.810, 475.812,
2 475.814, 475.816, 475.820, 475.824, 475.826, 475.830, 475.834,”.

3 After line 4, insert:

4 “**SECTION 1.** ORS 475.806 is amended to read:

5 “475.806. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752 to 475.980, it is un-
6 lawful for any person to manufacture hydrocodone.

7 “(2) Unlawful manufacture of hydrocodone is a Class [C] **B** felony.

8 “(3) **The Oregon Criminal Justice Commission shall classify the unlawful manufacture of**
9 **hydrocodone on the sentencing guidelines grid of the commission as follows:**

10 “(a) **For five or more grams or 500 or more pills, tablets or capsules of a mixture or**
11 **substance containing a detectable amount of hydrocodone, as a crime category 10;**

12 “(b) **For one or more but less than five grams or 100 or more but less than 500 pills,**
13 **tablets or capsules of a mixture or substance containing a detectable amount of hydrocodone,**
14 **as a crime category 9;**

15 “(c) **For 500 or more milligrams but less than one gram or 50 or more but less than 100**
16 **pills, tablets or capsules of a mixture or substance containing a detectable amount of**
17 **hydrocodone, as a crime category 8;**

18 “(d) **For 100 or more but less than 500 milligrams or 10 or more but less than 50 pills,**
19 **tablets or capsules of a mixture or substance containing a detectable amount of hydrocodone,**
20 **as a crime category 6; and**

21 “(e) **For less than 100 milligrams or less than 10 pills, tablets or capsules of a mixture**
22 **or substance containing a detectable amount of hydrocodone, as a crime category 4.**

23 “**SECTION 2.** ORS 475.808 is amended to read:

24 “475.808. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752 to 475.980, it is un-
25 lawful for any person to manufacture hydrocodone within 1,000 feet of the real property comprising
26 a public or private elementary, secondary or career school attended primarily by minors.

27 “(2) Unlawful manufacture of hydrocodone within 1,000 feet of a school is a Class [B] **A** felony.

28 “**SECTION 3.** ORS 475.810 is amended to read:

29 “475.810. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752 to 475.980, it is un-
30 lawful for any person to deliver hydrocodone.

31 “(2) Unlawful delivery of hydrocodone is a Class [C] **B** felony.

32 “(3) Notwithstanding subsection (2) of this section, unlawful delivery of hydrocodone is a Class
33 [B] **A** felony if the delivery is to a person under 18 years of age.

34 “(4) **The Oregon Criminal Justice Commission shall classify the unlawful delivery of**
35 **hydrocodone on the sentencing guidelines grid of the commission as follows:**

1 “(a) For five or more grams or 500 or more pills, tablets or capsules of a mixture or
2 substance containing a detectable amount of hydrocodone, as a crime category 10;

3 “(b) For one or more but less than five grams or 100 or more but less than 500 pills,
4 tablets or capsules of a mixture or substance containing a detectable amount of hydrocodone,
5 as a crime category 9;

6 “(c) For 500 or more milligrams but less than one gram or 50 or more but less than 100
7 pills, tablets or capsules of a mixture or substance containing a detectable amount of
8 hydrocodone, as a crime category 8;

9 “(d) For 100 or more but less than 500 milligrams or 10 or more but less than 50 pills,
10 tablets or capsules of a mixture or substance containing a detectable amount of hydrocodone,
11 as a crime category 6; and

12 “(e) For less than 100 milligrams or less than 10 pills, tablets or capsules of a mixture
13 or substance containing a detectable amount of hydrocodone, as a crime category 4.

14 “**SECTION 4.** ORS 475.812 is amended to read:

15 “475.812. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752 to 475.980, it is un-
16 lawful for any person to deliver hydrocodone within 1,000 feet of the real property comprising a
17 public or private elementary, secondary or career school attended primarily by minors.

18 “(2) Unlawful delivery of hydrocodone within 1,000 feet of a school is a Class [B] A felony.

19 “**SECTION 5.** ORS 475.814 is amended to read:

20 “475.814. (1) It is unlawful for any person knowingly or intentionally to possess hydrocodone
21 unless the hydrocodone was obtained directly from, or pursuant to[,] a valid prescription or order
22 of, a practitioner while acting in the course of professional practice, or except as otherwise au-
23 thorized by ORS 475.005 to 475.285 and 475.752 to 475.980.

24 “(2) Unlawful possession of hydrocodone is a Class [A *misdemeanor*] C felony.

25 “(3) **The Oregon Criminal Justice Commission shall classify the unlawful possession of**
26 **hydrocodone on the sentencing guidelines grid of the commission as follows:**

27 “(a) For 500 or more milligrams or 50 or more pills, tablets or capsules of a mixture or
28 substance containing a detectable amount of hydrocodone, as a crime category 8;

29 “(b) For 100 or more but less than 500 milligrams or 10 or more but less than 50 pills,
30 tablets or capsules of a mixture or substance containing a detectable amount of hydrocodone,
31 as a crime category 6; and

32 “(c) For less than 100 milligrams or less than 10 pills, tablets or capsules of a mixture
33 or substance containing a detectable amount of hydrocodone, as a crime category 4.

34 “**SECTION 6.** ORS 475.816 is amended to read:

35 “475.816. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752 to 475.980, it is un-
36 lawful for any person to manufacture methadone.

37 “(2) Unlawful manufacture of methadone is a Class B felony.

38 “(3) **The Oregon Criminal Justice Commission shall classify the unlawful manufacture of**
39 **methadone on the sentencing guidelines grid of the commission as follows:**

40 “(a) For five or more grams or 500 or more pills, tablets or capsules of a mixture or
41 substance containing a detectable amount of methadone, as a crime category 10;

42 “(b) For one or more but less than five grams or 100 or more but less than 500 pills,
43 tablets or capsules of a mixture or substance containing a detectable amount of methadone,
44 as a crime category 9;

45 “(c) For 500 or more milligrams but less than one gram or 50 or more but less than 100

1 pills, tablets or capsules of a mixture or substance containing a detectable amount of
2 methadone, as a crime category 8;

3 “(d) For 100 or more but less than 500 milligrams or 10 or more but less than 50 pills,
4 tablets or capsules of a mixture or substance containing a detectable amount of methadone,
5 as a crime category 6; and

6 “(e) For less than 100 milligrams or less than 10 pills, tablets or capsules of a mixture
7 or substance containing a detectable amount of methadone, as a crime category 4.

8 “**SECTION 7.** ORS 475.820 is amended to read:

9 “475.820. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752 to 475.980, it is un-
10 lawful for any person to deliver methadone.

11 “(2) Unlawful delivery of methadone is a Class B felony.

12 “(3) Notwithstanding subsection (2) of this section, unlawful delivery of methadone is a Class
13 A felony if the delivery is to a person under 18 years of age.

14 “(4) **The Oregon Criminal Justice Commission shall classify the unlawful delivery of**
15 **methadone on the sentencing guidelines grid of the commission as follows:**

16 “(a) For five or more grams or 500 or more pills, tablets or capsules of a mixture or
17 substance containing a detectable amount of methadone, as a crime category 10;

18 “(b) For one or more but less than five grams or 100 or more but less than 500 pills,
19 tablets or capsules of a mixture or substance containing a detectable amount of methadone,
20 as a crime category 9;

21 “(c) For 500 or more milligrams but less than one gram or 50 or more but less than 100
22 pills, tablets or capsules of a mixture or substance containing a detectable amount of
23 methadone, as a crime category 8;

24 “(d) For 100 or more but less than 500 milligrams or 10 or more but less than 50 pills,
25 tablets or capsules of a mixture or substance containing a detectable amount of methadone,
26 as a crime category 6; and

27 “(e) For less than 100 milligrams or less than 10 pills, tablets or capsules of a mixture
28 or substance containing a detectable amount of methadone, as a crime category 4.

29 “**SECTION 8.** ORS 475.824 is amended to read:

30 “475.824. (1) It is unlawful for any person knowingly or intentionally to possess methadone un-
31 less the methadone was obtained directly from, or pursuant to[,] a valid prescription or order of, a
32 practitioner while acting in the course of professional practice, or except as otherwise authorized
33 by ORS 475.005 to 475.285 and 475.752 to 475.980.

34 “(2) Unlawful possession of methadone is a Class C felony.

35 “(3) **The Oregon Criminal Justice Commission shall classify the unlawful possession of**
36 **methadone on the sentencing guidelines grid of the commission as follows:**

37 “(a) For 500 or more milligrams or 50 or more pills, tablets or capsules of a mixture or
38 substance containing a detectable amount of methadone, as a crime category 8;

39 “(b) For 100 or more but less than 500 milligrams or 10 or more but less than 50 pills,
40 tablets or capsules of a mixture or substance containing a detectable amount of methadone,
41 as a crime category 6; and

42 “(c) For less than 100 milligrams or less than 10 pills, tablets or capsules of a mixture
43 or substance containing a detectable amount of methadone, as a crime category 4.

44 “**SECTION 9.** ORS 475.826 is amended to read:

45 “475.826. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752 to 475.980, it is un-

1 lawful for any person to manufacture oxycodone.

2 “(2) Unlawful manufacture of oxycodone is a Class B felony.

3 “(3) **The Oregon Criminal Justice Commission shall classify the unlawful manufacture of**
4 **oxycodone on the sentencing guidelines grid of the commission as follows:**

5 “(a) **For five or more grams or 500 or more pills, tablets or capsules of a mixture or**
6 **substance containing a detectable amount of oxycodone, as a crime category 10;**

7 “(b) **For one or more but less than five grams or 100 or more but less than 500 pills,**
8 **tablets or capsules of a mixture or substance containing a detectable amount of oxycodone,**
9 **as a crime category 9;**

10 “(c) **For 500 or more milligrams but less than one gram or 50 or more but less than 100**
11 **pills, tablets or capsules of a mixture or substance containing a detectable amount of**
12 **oxycodone, as a crime category 8;**

13 “(d) **For 100 or more but less than 500 milligrams or 10 or more but less than 50 pills,**
14 **tablets or capsules of a mixture or substance containing a detectable amount of oxycodone,**
15 **as a crime category 6; and**

16 “(e) **For less than 100 milligrams or less than 10 pills, tablets or capsules of a mixture**
17 **or substance containing a detectable amount of oxycodone, as a crime category 4.**

18 “**SECTION 10.** ORS 475.830 is amended to read:

19 “475.830. (1) Except as authorized by ORS 475.005 to 475.285 and 475.752 to 475.980, it is un-
20 lawful for any person to deliver oxycodone.

21 “(2) Unlawful delivery of oxycodone is a Class B felony.

22 “(3) Notwithstanding subsection (2) of this section, unlawful delivery of oxycodone is a Class A
23 felony if the delivery is to a person under 18 years of age.

24 “(4) **The Oregon Criminal Justice Commission shall classify the unlawful delivery of**
25 **oxycodone on the sentencing guidelines grid of the commission as follows:**

26 “(a) **For five or more grams or 500 or more pills, tablets or capsules of a mixture or**
27 **substance containing a detectable amount of oxycodone, as a crime category 10;**

28 “(b) **For one or more but less than five grams or 100 or more but less than 500 pills,**
29 **tablets or capsules of a mixture or substance containing a detectable amount of oxycodone,**
30 **as a crime category 9;**

31 “(c) **For 500 or more milligrams but less than one gram or 50 or more but less than 100**
32 **pills, tablets or capsules of a mixture or substance containing a detectable amount of**
33 **oxycodone, as a crime category 8;**

34 “(d) **For 100 or more but less than 500 milligrams or 10 or more but less than 50 pills,**
35 **tablets or capsules of a mixture or substance containing a detectable amount of oxycodone,**
36 **as a crime category 6; and**

37 “(e) **For less than 100 milligrams or less than 10 pills, tablets or capsules of a mixture**
38 **or substance containing a detectable amount of oxycodone, as a crime category 4.**

39 “**SECTION 11.** ORS 475.834 is amended to read:

40 “475.834. (1) It is unlawful for any person knowingly or intentionally to possess oxycodone un-
41 less the oxycodone was obtained directly from, or pursuant to[,] a valid prescription or order of, a
42 practitioner while acting in the course of professional practice, or except as otherwise authorized
43 by ORS 475.005 to 475.285 and 475.752 to 475.980.

44 “(2) Unlawful possession of oxycodone is a Class C felony.

45 “(3) **The Oregon Criminal Justice Commission shall classify the unlawful possession of**

1 **oxycodone on the sentencing guidelines grid of the commission as follows:**

2 **“(a) For 500 or more milligrams or 50 or more pills, tablets or capsules of a mixture or**
3 **substance containing a detectable amount of oxycodone, as a crime category 8;**

4 **“(b) For 100 or more but less than 500 milligrams or 10 or more but less than 50 pills,**
5 **tablets or capsules of a mixture or substance containing a detectable amount of oxycodone,**
6 **as a crime category 6; and**

7 **“(c) For under 100 milligrams or less than 10 pills, tablets or capsules of a mixture or**
8 **substance containing a detectable amount of oxycodone, as a crime category 4.”.**

9 In line 5, delete “1” and insert “12”.

10 In line 6, delete “and (4)” and insert “, (4) and (5)”.

11 In line 23, restore the bracketed material.

12 On page 2, lines 1 through 3, restore the bracketed material and delete the boldfaced material.

13 On page 3, line 1, delete “_____ grams or more or _____” and insert “One gram or more
14 or 100”.

15 In line 12, delete “and (4)” and insert “, (4) and (5)”.

16 In line 30, restore the bracketed material.

17 In lines 35 through 37, restore the bracketed material and delete the boldfaced material.

18 In line 38, delete the comma and insert “or” and delete “or 475.864”.

19 On page 4, after line 14, insert:

20 “(4) Any felony violation of ORS 475.864 shall be classified as:

21 “(a) Crime category 10 of the sentencing guidelines grid if the violation involves:

22 “(A) More than 50,000 grams of a substance or mixture containing a detectable amount of
23 marijuana; or

24 “(B) More than 500 mature marijuana plants, seedlings or starts;

25 “(b) Crime category 9 of the sentencing guidelines grid if the violation involves:

26 “(A) More than 20,000 grams, and not more than 50,000 grams, of a substance or mixture con-
27 taining a detectable amount of marijuana; or

28 “(B) More than 200, but not more than 500, mature marijuana plants, seedlings or starts;

29 “(c) Crime category 8 of the sentencing guidelines grid if the violation involves:

30 “(A) More than 5,000 grams, and not more than 20,000 grams, of a substance or mixture con-
31 taining a detectable amount of marijuana; or

32 “(B) More than 50, but not more than 200, mature marijuana plants, seedlings or starts;

33 “(d) Crime category 6 of the sentencing guidelines grid if the violation involves:

34 “(A) More than 1,000 grams, and not more than 5,000 grams, of a substance or mixture con-
35 taining a detectable amount of marijuana; or

36 “(B) More than 10, but not more than 50, mature marijuana plants, seedlings or starts; or

37 “(e) Crime category 1 of the sentencing guidelines grid if the violation involves:

38 “(A) One thousand grams or less of a substance or mixture containing a detectable amount of
39 marijuana; or

40 “(B) Ten or fewer mature marijuana plants, seedlings or starts.”.

41 In line 15, delete “(4)” and insert “(5)”.

42 In line 16, delete “or (3)” and insert “, (3) or (4)”.

43 In line 21, delete “(5)” and insert “(6)”.

44 In line 24, delete “(6)” and insert “(7)”.

45 In line 27, delete “2” and insert “13”.

1 In line 42, delete “3” and insert “14”.

2 On page 5, line 23, delete “4” and insert “15” and after “ORS” insert “475.806, 475.808, 475.810,
3 475.812, 475.814, 475.816, 475.820, 475.824, 475.826, 475.830, 475.834,” and delete “3” and insert “14”.

4 In line 25, delete “5” and insert “16”.

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