

**PRELIMINARY** STAFF MEASURE SUMMARY

CARRIER:

Senate Committee on Judiciary

**REVENUE:** May have revenue impact, statement not yet issued

**FISCAL:** May have fiscal impact, statement not yet issued

**SUBSEQUENT REFERRAL TO:**

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**Action:**

**Vote:**

Yeas:

Nays:

Exc.:

**Prepared By:** Eric Deitrick, Counsel

**Meeting Dates:** 2/25

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**WHAT THE MEASURE DOES:** Requires court to consider current classification of marijuana offense in order to determine whether a conviction is eligible to be set aside. Declares emergency, effective upon passage.

**ISSUES DISCUSSED:**

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** In 2013, the Oregon Legislature passed Senate Bill 40, which reclassified marijuana offenses. Specifically, Senate Bill 40 lowered the classification of most marijuana offenses to either Class C or Class B Felony offenses. The classification has implications for whether an offense can be set aside or “expunged.” Section 12 of Senate Bill 40 makes the reclassifications apply to conduct occurring on or after the effective date of the bill, which was July 1, 2013.

Senate Bill 364 requires the court to consider the current classification of a marijuana offense when considering an expungement, regardless of when the conduct occurred. This permits offenders who committed marijuana offenses prior to passage of SB 40 to use the new classification in seeking an expungement.