

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
Senate Committee On Judiciary

MEASURE: SB 364 A
CARRIER: Sen. Prozanski

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 03/05/15

Action: Do Pass With Amendments. (Printed A-Eng.)

Meeting Dates: 03/05

Vote:

Yeas: 5 - Burdick, Gelser, Kruse, Prozanski, Thatcher

Prepared By: Eric Deitrick, Counsel

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. Permits Class B felony possession offenses to be reduced to misdemeanors. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- The evolution of Senate Bill 40 from 2013 legislative session
- Whether any stakeholders objected to bill
- Who would be eligible for relief under bill

EFFECT OF COMMITTEE AMENDMENT:

Clarifies the underlying bill and directs the court to use the classification of marijuana offense as it would have been classified on July 1, 2013. Reinstates a previous provision of ORS 161.705 that permits Class B felony possession offenses to be reduced to misdemeanors.

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. In addition, the reclassification of marijuana offenses by Senate Bill 40 eliminated a provision under ORS 161.705 that permitted Class B felony possession offenses to be reduced to misdemeanors.

Senate Bill 364A requires the court to consider these new classifications of marijuana offenses 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 classifications in seeking an expungement. Senate Bill 364 A also reinstates the provision of ORS 161.705 that permits Class B felony possession offenses to be reduced to misdemeanors.