

**Enrolled**  
**Senate Bill 364**

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

CHAPTER .....

AN ACT

Relating to the classification of marijuana offenses; amending ORS 161.705 and section 12, chapter 591, Oregon Laws 2013; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** Section 12, chapter 591, Oregon Laws 2013, is amended to read:

**Sec. 12. (1) Except as provided in subsection (2) of this section,** the amendments to ORS 475.752, 475.856 and 475.864 by sections 1 to 3 [of this 2013 Act], **chapter 591, Oregon Laws 2013,** apply to conduct occurring on or after [the effective date of this 2013 Act] **July 1, 2013.**

**(2) When a person convicted of a marijuana offense based on conduct occurring before July 1, 2013, files a motion for a court order setting aside the conviction pursuant to ORS 137.225, the court shall consider the offense to be classified under ORS 161.535 or 161.555 as if the conduct occurred on July 1, 2013, when determining if the person is eligible for the order.**

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

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

- (1)(a) A person is convicted of any Class C felony;
- (b) A person is convicted of a Class B felony pursuant to ORS 475.860 (2)(a); or
- (c) A person convicted of a felony described in paragraph (a) or (b) of this subsection, **of possession of marijuana constituting a Class B felony,** or of a Class A felony pursuant to ORS 166.720, has successfully completed a sentence of probation; and

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

**SECTION 3. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.**

**Passed by Senate March 10, 2015**

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House May 28, 2015**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M,....., 2015

**Approved:**

.....M,....., 2015

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State