

## SENATE AMENDMENTS TO SENATE BILL 364

By COMMITTEE ON JUDICIARY

March 6

1 In line 2 of the printed bill, after “amending” insert “ORS 161.705 and”.

2 Delete lines 9 through 12 and insert:

3 “(2) When a person convicted of a marijuana offense based on conduct occurring before July 1,  
4 2013, files a motion for a court order setting aside the conviction pursuant to ORS 137.225, the court  
5 shall consider the offense to be classified under ORS 161.535 or 161.555 as if the conduct occurred  
6 on July 1, 2013, when determining if the person is eligible for the order.

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

8 “161.705. Notwithstanding ORS 161.525, the court may enter judgment of conviction for a Class  
9 A misdemeanor and make disposition accordingly when:

10 “(1)(a) A person is convicted of any Class C felony;

11 “(b) A person is convicted of a Class B felony pursuant to ORS 475.860 (2)(a); or

12 “(c) A person convicted of a felony described in paragraph (a) or (b) of this subsection, **of pos-**  
13 **session of marijuana constituting a Class B felony**, or of a Class A felony pursuant to ORS  
14 166.720, has successfully completed a sentence of probation; and

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

18 In line 13, delete “2” and insert “3”.

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