

**PROPOSED AMENDMENTS TO  
SENATE BILL 364**

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  
4 occurring before July 1, 2013, files a motion for a court order setting aside  
5 the conviction pursuant to ORS 137.225, the court shall consider the offense  
6 to be classified under ORS 161.535 or 161.555 as if the conduct occurred on  
7 July 1, 2013, when determining if the person is eligible for the order.

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

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

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

13 “(b) A person is convicted of a Class B felony pursuant to ORS 475.860

14 (2)(a); or

15 “(c) A person convicted of a felony described in paragraph (a) or (b) of  
16 this subsection, **of possession of marijuana constituting a Class B fel-**  
17 **ony**, or of a Class A felony pursuant to ORS 166.720, has successfully com-  
18 pleted a sentence of probation; and

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

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

