

FISCAL IMPACT OF PROPOSED LEGISLATION

80th Oregon Legislative Assembly – 2019 Regular Session
Legislative Fiscal Office

Measure: SB 975 - A

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Measure Description:

Creates a process to allow the court to reduce the classification of a conviction for marijuana offenses.

Government Unit(s) Affected:

District Attorneys and their Deputies (DAs), Oregon Judicial Department (OJD)

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis:

This bill creates a process to allow a court to reduce the classification of conviction for marijuana offenses that have seen a reduction of degree since a person was convicted of the offense. The person filing the motion must serve a copy of the motion upon the local prosecuting office in the jurisdiction where the conviction occurred. The prosecuting office may object to the motion within 30 days; the prosecuting office, may only object if the person's conviction is not eligible for reduction this bill.

If the prosecuting office objects, the court will hold a hearing to determine if the person filing the motion has a qualifying conviction. The person filing the motion has the burden of proving by a preponderance of the evidence that their conviction was a qualifying conviction and that the offense that they were convicted of would now be prosecuted at a lower degree. If the person filing the motion prevails at the hearing, or if the prosecuting office does not object to the motion, then the court will grant the motion, enter an order vacating the original conviction, and enter a new judgment of conviction that reflects the new charge degree.

Oregon Judicial Department (OJD)

This bill creates a new process for OJD. Developing this new process will take staff counsel and analyst time, but this can be absorbed within existing resources.

The number of motions that would be filed with the court under this bill is unknown. OJD does not have information on the number of persons that are potentially eligible for this new charge reduction process, but the potential pool of persons eligible for the new process is large. For example, between 2005 and 2014, approximately 10,000 cases were filed for felony possession of marijuana and over 4,000 cases were filed for felony level manufacturing of marijuana.

The fiscal impact of this bill on the Oregon Judicial Department is indeterminate.

District Attorneys

This fiscal impact to the District Attorneys, like the Oregon Judicial Department, is dependent on the number of motions filed. It is not possible to predict the number of cases that may be filed or in what timeframe. The fiscal impact to District Attorney's is indeterminate.