

SB 420 A STAFF MEASURE SUMMARY

Carrier: Sen. Frederick

Senate Committee On Judiciary

Action Date: 04/09/19

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 7-0-0-0

Yeas: 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Michael Lantz, Counsel

Meeting Dates: 4/5, 4/9

WHAT THE MEASURE DOES:

Allows person to apply to court to set aside most convictions for possession, delivery, and manufacture of marijuana if such conduct upon which conviction was based is no longer crime. Exempts person filing for set aside from filing fees. Removes requirement that individual provide fingerprints and undergo background check. Provides prosecuting attorney with notice and opportunity to contest. Requires court to seal records for set aside convictions and provide notice to Department of Corrections and other relevant agencies. Adds definitions.

ISSUES DISCUSSED:

- Process to obtain set aside of conviction
- Effects of criminal record
- Need for additional amendments

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

In 2014, Oregon voters passed Ballot Measure 91, which allowed for the creation of a recreational marijuana market. Under Ballot Measure 91 and subsequent legislation passed by the Legislative Assembly, members of the public are allowed to grow, sell, and consume marijuana subject to certain conditions.

Senate Bill 420 A allows a person convicted of marijuana possession, delivery, and manufacture offenses that are no longer crimes under current law, to apply to have his or her conviction set aside. Eligible offenses must have occurred before July 1, 2015. The measure exempts the person filing for the set aside from any otherwise applicable fees and removes the standard requirement that the individual provide fingerprints and undergo a background check. SB 420 A also requires the individual filing for the set aside to file notice with the prosecuting attorney's office and gives the prosecuting attorney's office 30 days to contest the requested set aside if the office believes the person's conviction is not for an offense eligible for a set aside. If the prosecuting attorney does contest, the court is required to hold a hearing. Finally, if the court does find that the individual is eligible for a set aside, it requires the court to seal records of the conviction and provide notice to Department of Corrections and other relevant agencies.