

**Enrolled**  
**Senate Bill 975**

Sponsored by COMMITTEE ON JUDICIARY

CHAPTER .....

AN ACT

Relating to crime.

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

**SECTION 1.** (1)(a) Notwithstanding ORS 161.525, a person by motion may request the court to reduce the offense classification of a marijuana conviction as provided in this section.

(b) A marijuana conviction is eligible for reduction under this section if, since entry of judgment of conviction, the marijuana offense has been:

- (A) Reduced from a felony to a misdemeanor;
- (B) Reduced from a higher level felony to a lower level felony;
- (C) Reduced from a higher level misdemeanor to a lower level misdemeanor; or
- (D) Reduced from a crime to a violation.

(2) A person filing a motion under this section is not required to pay the filing fee established under ORS 21.135 or any other fee.

(3)(a) At the time of filing the motion, the person shall serve a copy of the motion upon the office of the prosecuting attorney of the jurisdiction in which the judgment of conviction was entered.

(b) The prosecuting attorney, within 30 days after the filing of the motion under paragraph (a) of this subsection, may file an objection to granting the motion only on the basis that:

- (A) The person's conviction is not eligible for reduction under this section; or
- (B) The person has not completed and fully complied with or performed the sentence of the court.

(4) If no objection from the prosecuting attorney is received by the court within 30 days after the filing of the motion, the court shall grant the motion and proceed as provided in subsection (6) of this section if the conviction is eligible for reduction under this section and the court determines that the person has completed and fully complied with or performed the sentence of the court.

(5)(a) If the court receives an objection from the prosecuting attorney, the court shall hold a hearing.

(b) At the hearing, the person has the burden of establishing, by a preponderance of the evidence, that:

- (A) The conviction is eligible for reduction under this section; and
- (B) The person completed and fully complied with or performed the sentence of the court.

(c) If, at the hearing, the court determines that the conviction is eligible for reduction under this section and the person completed and fully complied with or performed the sentence of the court, the court shall grant the motion and proceed as provided in subsection (6) of this section.

(6) Upon granting a motion under this section, the court shall enter an amended judgment of conviction at the appropriate offense level.

Passed by Senate April 24, 2019

Repassed by Senate June 11, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 4, 2019

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

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Bev Clarno, Secretary of State