

## HOUSE AMENDMENTS TO A-ENGROSSED SENATE BILL 975

By COMMITTEE ON JUDICIARY

May 30

1 On page 1 of the printed A-engrossed bill, delete lines 4 through 25 and delete page 2 and insert:

2 **“SECTION 1. (1)(a) Notwithstanding ORS 161.525, a person by motion may request the**  
3 **court to reduce the offense classification of a marijuana conviction as provided in this sec-**  
4 **tion.**

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

7 **“(A) Reduced from a felony to a misdemeanor;**

8 **“(B) Reduced from a higher level felony to a lower level felony;**

9 **“(C) Reduced from a higher level misdemeanor to a lower level misdemeanor; or**

10 **“(D) Reduced from a crime to a violation.**

11 **“(2) A person filing a motion under this section is not required to pay the filing fee es-**  
12 **tablished under ORS 21.135 or any other fee.**

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

16 **“(b) The prosecuting attorney, within 30 days after the filing of the motion under para-**  
17 **graph (a) of this subsection, may file an objection to granting the motion only on the basis**  
18 **that:**

19 **“(A) The person’s conviction is not eligible for reduction under this section; or**

20 **“(B) The person has not completed and fully complied with or performed the sentence**  
21 **of the court.**

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

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

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

31 **“(A) The conviction is eligible for reduction under this section; and**

32 **“(B) The person completed and fully complied with or performed the sentence of the**  
33 **court.**

34 **“(c) If, at the hearing, the court determines that the conviction is eligible for reduction**  
35 **under this section and the person completed and fully complied with or performed the sen-**

1 tence of the court, the court shall grant the motion and proceed as provided in subsection  
2 (6) of this section.

3 “(6) Upon granting a motion under this section, the court shall enter an amended judg-  
4 ment of conviction at the appropriate offense level.”

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