BM 110

Class E Violations Through 10/31/21

- **Filed in 32 circuit courts**

- **1491 Cases with Class E violations**
  - 49 with offenses reduced from criminal charges filed before 2/1/21
  - 1442 cases on or after the 2/1/21 effective date
  - 1027 with convictions (71%)
    - 361 in court
    - 666 failed to appear
  - 87 with dismissals (6%)
  - 324 pending (22%)
  - 10 involving juveniles

- **7 assessment/screening verifications received**

- **107 people have multiple cases with Class E violations**

- **Most Class E violations are for possession of meth (67%) or heroin (22%).**

- **108 were issued to non-Oregon residents from 14 states.**

2021 Senate Bill 755-C codified and amended Ballot Measure 110, which decriminalized most unlawful possession of a controlled substance (PCS) offenses.

Reduction of Penalties. Measure 110 reduced the penalties for most PCS offenses from a felony or misdemeanor to a new Class E violation, punishable with a $100 maximum fine. Effective February 1, 2021, most PCS offenses are punishable only by a fine – no jail, supervision, or other criminal penalties can be imposed.

History. Measure 110 was approved by Oregon voters in the November 2020 election and reduced penalties for most PCS offenses as of February 1, 2021. The legislature passed SB 755-C, which took effect on July 19, 2021. Major court-related changes in SB 755-C include:

- Allowing a person charged with a Class E violation to obtain a treatment needs screening or treatment contact within 45 days of the citation, provide proof to the court, and have their case dismissed.
- Requiring law enforcement to provide information on how to obtain a screening when issuing a citation for a Class E violation.
- Establishing a $45 minimum fine.
- Requiring all Class E violations to be filed in circuit courts.
- Prohibiting penalties for failing to appear in court for a Class E violation.

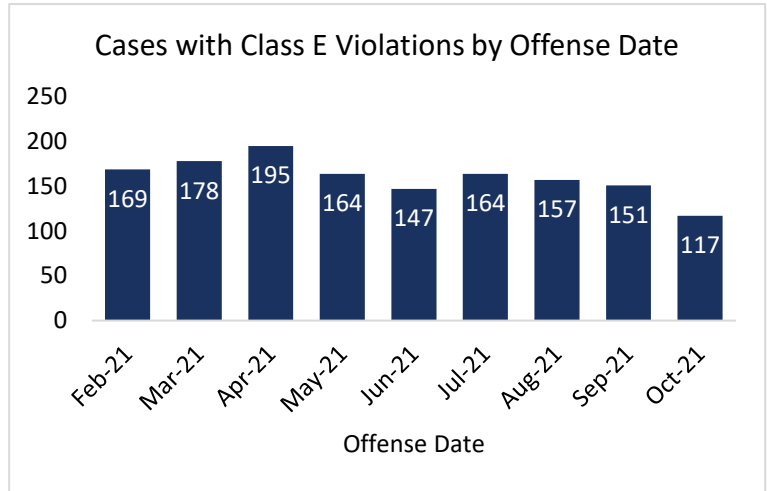### Circuit Court Cases with Class E Violations by County

County	Number	County	Number
Baker	4	Lake	7
Benton	106	Lane	136
Clackamas	6	Lincoln	56
Clatsop	18	Linn	39
Columbia	2	Malheur	8
Coos	54	Marion	61
Crook	31	Morrow	1
Curry	4	Multnomah	65
Deschutes	75	Polk	40
Douglas	120	Sherman	1
Gilliam	1	Tillamook	1
Grant	0	Umatilla	43
Harney	0	Union	14
Hood River	20	Wallowa	0
Jackson	61	Wasco	19
Jefferson	5	Washington	36
Josephine	267	Wheeler	0
Klamath	69	Yamhill	72

CLASS E VIOLATIONS IN CIRCUIT COURTS

~Total Cases with Class E violations filed in circuit courts from February 1, 2021 through October 31, 2021 ~

Data Information: Data on demographic characteristics of people cited for Class E violations, the substance involved, and charges in addition to the Class E violation come from the law enforcement citation or district attorney charging document and are transferred into the official court record.
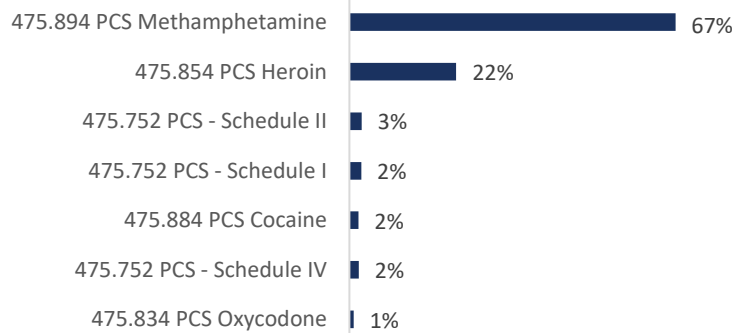
This information is provided by court case, from cases filed in circuit courts. A single court case can involve one or more Class E violations, or Class E violations and other charges. If a person receives two separate citations for a Class E violation they are counted as separate cases.

Cases with Class E Violations by Offense Date

Offense Date	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21
Cases	169	178	195	164	147	164	157	151	117

Demographic Statistics for Cases with Class E Violations

Gender		
Male	1016	70.5%
Female	362	25.1%
Missing	64	4.4%
Race		
Asian	8	0.6%
Black	31	2.1%
Indian	20	1.4%
Multiracial	0	0.0%
Native Hawaiian or Other Pacific Islander	1	0.1%
Other	28	1.9%
Unavailable	58	4.0%
White	1107	76.8%
Missing	189	13.1%
Ethnicity		
Hispanic	57	4.0%
Age at Time of Offense:		
Juvenile	10	0.7%
18 - Under 21	41	2.8%
21-29	375	26.0%
30-39	582	40.4%
40-49	280	19.4%
50-59	112	7.8%
60 +	33	2.3%
Missing	9	0.6%

Percent of Offenses by Substance

Substance	Percent
475.894 PCS Methamphetamine	67%
475.854 PCS Heroin	22%
475.752 PCS - Schedule II	3%
475.752 PCS - Schedule I	2%
475.884 PCS Cocaine	2%
475.752 PCS - Schedule IV	2%
475.834 PCS Oxycodone	1%

*PCS – Unlawful Possession of a Controlled Substance

20% of Cases with Class E violations have other more serious charges in the same case.

Most Frequent More Serious Offenses in Cases with Class E Violations

Criminal Felony
Delivery of Methamphetamine

Criminal Misdemeanor
Driving Under the Influence of Intoxicants
Criminal Mischief in the Second Degree

Violation
Violation Driving While Suspended or Revoked
Driving Uninsured