

OCDLA Amendment Request

Reduction of Certain Misdemeanors to Violations

(1) Notwithstanding ORS 161.545 (misdemeanor described) the court may enter judgment of conviction for a Class A violation and make disposition accordingly when:

- (a) A person is convicted of any misdemeanor, except those listed in subsection (3) of this section; and
- (b) The court, considering the nature and circumstances of the crime and the history and character of the defendant, believes that a violation conviction is appropriate.

(2) The entry of judgment of conviction for a Class A violation under this section may be made at the time of conviction, and the court shall clearly denominate the offense as a Class A violation in the judgment.

(3) A court may not treat the following misdemeanors as violations under the provisions of this section:

- (a) ORS 811.540
- (b) ORS 813.010
- (c) Any misdemeanor constituting domestic violence
- (d) Sex Abuse in the Third Degree
- (e) Strangulation
- (f) Menacing
- (g) Assault 4
- (h) Encouraging Child Sex Abuse in the Third Degree
- (i) Invasion of Personal Privacy in the Second Degree
- (j) Stalking
- (k) Violating a Court's Stalking Protective Order
- (l) Any conviction that was originally charged as a felony and reduced to a misdemeanor under ORS 161.705
- (m) Any misdemeanor when restitution is outstanding

(4) Notwithstanding [ORS 153.021 \(Minimum fines\)](#), the fine that the court may impose under a default judgment entered pursuant to [ORS 153.102 \(Entry\)](#) may:

(a) Be waived, after taking into consideration defendant's ability to pay and whether defendant has already paid any fines, fees, or restitution connected to the charged misdemeanor; or

(b) Be less than the presumptive fine established by [ORS 153.019 \(Presumptive fines\)](#) for a Class A violation; and

(c) May not exceed the maximum fine established by [ORS 153.018 \(Maximum fines\)](#) for a Class A violation.

(5) Notwithstanding subsection (1) of this section, the court may reduce any misdemeanor to a violation at any time after the filing of an information, upon agreement of the defendant and prosecutor.