

Past pot convictions get little relief under new statute

BY EMILY GREEN
STAFF WRITER

Gov. Kate Brown signed House Bill 3400 Tuesday, adding a long list of new provisions and amendments to ballot Measure 91.

However, missing from this extensive, 111-page document, or any other bill that's been signed into law to date, is a provision to reduce the sentences or exonerate of people currently incarcerated in Oregon prisons for marijuana-related offenses that are no longer considered to be crimes under the law.

As previously reported by Street Roots ("Coming clean," Street Roots, March 27), Rep. Lew Frederick (D-Portland) and Rep. Ann Lininger (D-Lake Oswego) introduced a bill that would have modified the sentences of inmates incarcerated for marijuana offenses before July 1 to reflect the penalty for the crime after July 1, but the bill failed to garner support and died before it got a hearing.

"I think there's a perception that there aren't people in Oregon prisons serving time for marijuana crimes, and that's just not true," says ACLU Legislative Director Kimberly McCullough, speculating as to why the bill failed to garner any support.

According to Oregon Criminal Justice Commission, as of May, there were 87 inmates whose most serious offense was a marijuana crime serving an average of three years in Oregon prisons. Unless Gov. Brown decides to commute their sentences, they may continue serving time.

McCullough says in addition to those sitting in Oregon prisons exclusively for marijuana crimes, some are incarcerated for violating the terms of their parole or probation by using marijuana, and others may be serving sentences for non-marijuana crimes that were made longer with the addition of a marijuana conviction.

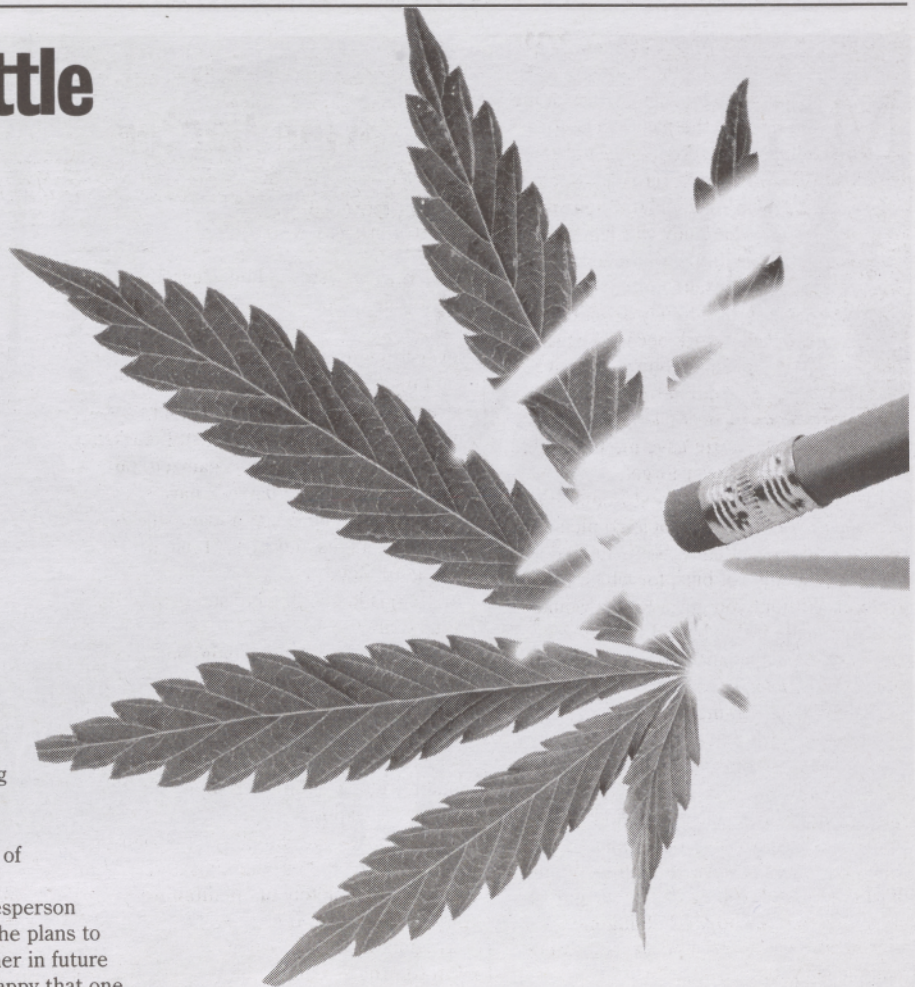
"In all of those circumstances, we believe," says McCullough, "because the whole point of

Measure 91 was to end the war on marijuana and to remove it from being a crime, that those people should see some relief because of this."

Frederick's spokesperson Sue Hagmeier says he plans to push the issue further in future sessions, but he's happy that one provision seeking to lessen the consequences of past convictions did make it into the lengthy bill. "He's interested in making some progress, rather than making a stand and getting nothing," she says.

It's a provision that will make it slightly easier for Oregonians to get marijuana convictions on their criminal record expunged.

When courts review motions filed by offenders wishing to clean up their criminal record, if it's a marijuana crime, they consider it as though it occurred after marijuana became legal in Oregon. So if before Measure 91 it was a Class A felony, and after Measure 91 it was a Class B felony, they'll treat it as a Class B felony. If the offense is no longer considered a crime, they will treat it as a Class C misdemeanor.



But most pot crimes were already eligible for expungement before this change was signed into law, and in order to get their cannabis crimes expunged, offenders will still have to complete their sentences, then complete three years without any criminal activity or probation violations, and they will still have to go through the nine-step expungement process, which includes getting fingerprinted, paying state police \$80 and a hefty court filing fee. In Multnomah County the fee is \$252.

Under the provision, however, unlawful manufacturing and unlawful delivery to a minor are now eligible for expungement, whereas before, they were not. It also allows minors to apply for expungement after waiting one year, instead of three.

Better health here for you

Delivering physical, behavioral health and dental health care for over 230,000 children, families and individuals on the Oregon Health Plan in the Portland Tri-County area.

Together we are **health share**

Health Share of Oregon

www.healthshareoregon.org

Gary Cobb
Community Outreach Coordinator,
Central City Concern

Are you a **Veteran** experiencing or at risk of becoming homeless?

Transition Projects

Please call 855.425.5544 or visit 650 NW Irving Street