

# Multnomah County DA's Office - BM 110

## CASES RECEIVED BY UNIT A/B BUT NOT YET CHARGED

**The admissible evidence is sufficient to substantiate, beyond a reasonable doubt, the PCS case as a Commercial Drug Offense (CDO)**



**Issue felony criminal charge(s)**

**The state cannot prove CDO elements, and the drug amount possessed is greater than BM 110 cutoff for violation treatment**



**DDA should make a misdemeanor issuing determination consistent with existing COVID-19 policies**

New state quantity thresholds defined starting on page 6.



# Multnomah County DA's Office - BM 110

## CASES RECEIVED BY UNIT A/B BUT NOT YET CHARGED

The state cannot prove CDO elements, and the drug amount possessed is below the threshold amount needed to issue as a misdemeanor



The conduct occurred before BM 110 effective date



DDAs should issue a no complaint citing "interest of justice" as the reason because of recently approved ballot measure

The conduct occurred after BM 110 effective date



DDAs should issue a no complaint and instruct law enforcement to re-contact the subject and issue a Class E violation and provide the subject with a referral to a treatment

New state quantity thresholds defined starting on page 6.



# Multnomah County DA's Office - BM 110

## FELONY CASES CURRENTLY INDICTED AND PENDING RESOLUTION

Only one felony PCS charge is indicted and the drug possession quantity meets the BM 110 threshold amount to be issued as a misdemeanor, and the allegation does not involve a CDO



DDAs should issue a pretrial offer (PTO) as a misdemeanor



The state will recommend a probation period w/ drug evaluation & treatment compliance, if recommended



Straight jail time only if probation not an option

New state quantity thresholds defined starting on page 6.



# Multnomah County DA's Office - BM 110

## FELONY CASES CURRENTLY INDICTED AND PENDING RESOLUTION

More than one felony PCS count is indicted and the drug possession amount meets the BM 110 threshold to be issued as a misdemeanor and the allegation does not involve a CDO



The state will treat all felony PCS charges as misdemeanors when developing a PTO

New state quantity thresholds defined starting on page 6.



The state will recommend a probation period w/ drug evaluation & treatment compliance, if recommended



Straight jail time only if probation not an option



# Multnomah County DA's Office - BM 110

## FELONY CASES CURRENTLY INDICTED, SET FOR TRIAL

Indicted felony PCS, which under BM 110 would qualify as misdemeanor and is a non-CDO



Reduce to a misdemeanor regardless whether the felony PCS is a single count or part of a multi-count indictment

## CASES THAT HAVE BEEN ADJUDICATED AND SENTENCED

Decision to support or oppose a defense motion to reduce conviction from a Class C Felony to a Class A Misdemeanor (ORS 161.705)



Case by case evaluation

New state quantity thresholds defined starting on page 6.



# Multnomah County DA's Office - BM 110

## ORS 475 AS MODIFIED BY BM110

### **ORS 475.752 - Prohibited Acts Generally**

- Possession of a Schedule I-IV substance is now a Class E violation.
- Possession is a Class A misdemeanor if:
  - LSD - 40 or more user units
  - Psilocybin/Psilocin - 12 grams or more
- Class C felony, if CDO.

### **ORS 475.824 - Unlawful Possession of Methadone**

- Class A misdemeanor if 40 or more user units
- Class C felony, if CDO

### **ORS 475.834 - Unlawful Possession of Oxycodone**

- Class A misdemeanor if 40 or more pills, tablets, or capsules
- Class C felony, if CDO



# Multnomah County DA's Office - BM 110

## ORS 475 AS MODIFIED BY BM110

### **ORS 475.854 - Unlawful Possession of Heroin**

- Class A misdemeanor if 1 gram or more
- Class B felony if CDO

### **ORS 475.874 - Unlawful Possession of 3,4-methylenedioxymethamphetamine (MDMA)**

- Class A misdemeanor if 1 gram or more, or five or more pills, tablets, or capsules.
- Class B felony, if CDO

### **ORS 475.884 - Unlawful Possession of Cocaine**

- Class A misdemeanor if 2 grams or more
- Class C felony, if CDO

### **ORS 475.894 - Unlawful Possession of Meth**

- Class A misdemeanor if 2 grams or more
- Class C felony, if CDO

[See last page](#)



# Multnomah County DA's Office - BM 110

## ORS 475 AS MODIFIED BY BM 110

Class E Violations have been added to the ORS with this ballot measure (ORS 153.012).

Maximum fine for a Class E Violation is \$100, or in lieu of fine, a completed health assessment as specified in Section 2(2)(b)(ii) or Section 23(2) of the text of the BM.