

**NOTICE SEEKING PUBLIC COMMENT ON
OUT-OF-CYCLE AMENDMENT TO UTCR 4.070**
(Comment Period Closes at 5:00 p.m. on March 16, 2018)

I. INTRODUCTION

We are seeking comment on an out-of-cycle amendment to Uniform Trial Court Rule (UTCR) 4.070. The amendment was adopted out-of-cycle by Chief Justice Order [18-002](#), effective January 8, 2018.

II. HOW TO SUBMIT COMMENTS

You may submit your comments by:

- website (<http://www.courts.oregon.gov/programs/utcr/Pages/currentrules.aspx>) – click on the button next to the proposed amendment
- email (utcr@ojd.state.or.us)
- traditional mail (UTCR Reporter, Supreme Court Building, 1163 State Street, Salem, Oregon, 97301-2563)

Please submit your comments so that we receive them by 5:00 p.m. on March 16, 2018. Comments will be reviewed by the UTCR committee at its next meeting, currently scheduled for April 6, 2018.

III. OUT-OF-CYCLE AMENDMENT

For the convenience of the reader, deletions are in [*brackets and italics*].

4.070

EXPLANATION

The rule was amended to remove the reference to marijuana diversion. [Senate Bill 302](#) (2017), Section 126, and [Senate Bill 303](#) (2017), Section 10, repealed statutory provisions establishing marijuana diversion for adults and juveniles. We have amended the rule to conform to those statutory changes.

AMENDED RULE

4.070 DISMISSAL OF CHARGES FOLLOWING SUCCESSFUL COMPLETION OF DIVERSION

For any charge dismissed based upon successful completion of diversion for driving under the influence of intoxicants[, *marijuana diversion*,] or other diversion program, the dismissing instrument must state the basis for the dismissal.

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