



MAYOR'S OFFICE

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February 21, 2020

Oregon State Legislative Assembly
900 Court Street NE
Salem, OR 97301

SUBJECT: City of Salem Support of Enhanced Public Safety Through Amendments To Oregon's DUII Law (Senate Bill 1503)

Dear Legislators:

The City of Salem is supportive of Senate Bill 1503, which will provide state and city prosecutors with additional tools to prosecute persons driving while under the influence of intoxicants.

Ending driving while under influence of intoxicants (DUII) is critical to the safety of all Oregonians who use our roadways as a driver, passenger, cyclist, or in any other capacity. Senate Bill 1503 will enhance public safety by making it per se DUII to have a blood alcohol content (BAC) of .08% within two hours of driving unless that BAC was the result of post driving consumption. Senate Bill 1503 will also allow for expanded use of out-of-state DUII convictions for enhanced sentencing for repeat offenders.

Effective DUII laws and DUII enforcement is vital to public safety. Recent Oregon appellate court decisions have negatively impacted our ability to effectively enforce Oregon's DUII laws. The Oregon Supreme Court's ruling in *State v. Hedgpeth* effectively increased the evidentiary requirements in per se DUII cases (DUII based on having a BAC of .08% or higher) where the individual's BAC was tested within a reasonable period after their observed driving. In Oregon, blood alcohol testing does not occur roadside, but in a controlled environment, typically after field sobriety testing and transport of the individual to a police facility. In the wake of *Hedgpeth*, these test results that show a BAC of .08% or greater are no longer sufficient to establish per se DUII. Additionally, the Oregon Supreme Court's ruling in *State v. Guzman* effectively limited which out-of-state DUII convictions can be considered for enhanced sentencing for repeat DUII offenders. Senate Bill 1503 will serve to address the impacts of these court decisions, to increase public safety, and to align Oregon's DUII laws with those of a majority of states.

The City of Salem urges a "yes" vote on Senate Bill 1503.

Sincerely,

Chuck Bennett
Mayor

EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

❖ Reasonable accommodation and accessibility services will be provided upon request ❖
Servicios razonables de alojamiento y accesibilidad se facilitarán por petición