

REVENUE: No revenue impact

FISCAL: May have fiscal impact, statement not yet issued

Action:	Do Pass and Be Referred to the Committee on Ways and Means by prior reference
Vote:	9 - 0 - 0
Yeas:	Barker, Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson
Nays:	0
Exc.:	0
Prepared By:	Darian Stanford, Counsel
Meeting Dates:	4/16, 4/24

WHAT THE MEASURE DOES: Modifies elements of felony driving under the influence of intoxicants (DUII) to include prior participation in the diversion program.

ISSUES DISCUSSED:

- Requirements for felony DUII in Oregon

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: ORS 813.010 establishes the elements for DUII law in Oregon. In short, most DUIIs are Class A misdemeanors. For a DUII to rise to the felony level, ORS 813.010(5) requires that the person have three prior DUII convictions within 10 years prior to the date of the current offense. Since successful completion of the diversion program does not constitute a conviction, diversion does not count toward this number.

HB 2560 changes the rules for felony DUIIs in the following two primary ways. First, it eliminates the “in the 10 years prior” language—thus, three lifetime prior DUIIs is enough for felony DUII in Oregon. Second, it effectively counts diversion (in Oregon or any other state) towards the total number if the diversion happened within the past 10 years.