

Senate Bill 536

Sponsored by Senator PROZANSKI (at the request of Mike Arnold)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Classifies driving while under influence of intoxicants as Class C felony when person has prior conviction of felony driving while under influence of intoxicants in this state or any other jurisdiction.

A BILL FOR AN ACT

1
2 Relating to driving while under the influence of intoxicants; amending ORS 813.010.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 813.010 is amended to read:

5 813.010. (1) A person commits the offense of driving while under the influence of intoxicants if
6 the person drives a vehicle while the person:

7 (a) Has 0.08 percent or more by weight of alcohol in the blood of the person as shown by
8 chemical analysis of the breath or blood of the person made under ORS 813.100, 813.140 or 813.150;

9 (b) Is under the influence of intoxicating liquor, a controlled substance or an inhalant; or

10 (c) Is under the influence of any combination of intoxicating liquor, an inhalant and a controlled
11 substance.

12 (2) A person may not be convicted of driving while under the influence of intoxicants on the
13 basis of being under the influence of a controlled substance or an inhalant unless the fact that the
14 person was under the influence of a controlled substance or an inhalant is pleaded in the accusatory
15 instrument and is either proved at trial or is admitted by the person through a guilty plea.

16 (3) A person convicted of the offense described in this section is subject to ORS 813.020 in ad-
17 dition to this section.

18 (4) Except as provided in subsection (5) of this section, the offense described in this section,
19 driving while under the influence of intoxicants, is a Class A misdemeanor and is applicable upon
20 any premises open to the public.

21 (5)(a) Driving while under the influence of intoxicants is a Class C felony if:

22 (A) The defendant has been convicted of driving while under the influence of intoxicants in vi-
23 olation of this section or its statutory counterpart in another jurisdiction at least three times in the
24 10 years prior to the date of the current offense and the current offense was committed in a motor
25 vehicle; or

26 (B) **The defendant has been convicted of felony driving while under the influence of**
27 **intoxicants in violation of this section or its statutory counterpart in another jurisdiction**
28 **at any time prior to the commission of the current offense and the current offense was**
29 **committed in a motor vehicle.**

30 (b) For purposes of this subsection, a prior conviction for boating while under the influence of
31 intoxicants in violation of ORS 830.325 or its statutory counterpart in another jurisdiction, or for

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 prohibited operation of an aircraft in violation of ORS 837.080 (1)(a) or its statutory counterpart in
2 another jurisdiction, shall be considered a prior conviction of driving while under the influence of
3 intoxicants.

4 (6) In addition to any other sentence that may be imposed, the court shall impose a fine on a
5 person convicted of driving while under the influence of intoxicants as follows:

6 (a) For a person's first conviction, a minimum of \$1,000.

7 (b) For a person's second conviction, a minimum of \$1,500.

8 (c) For a person's third or subsequent conviction, a minimum of \$2,000 if the person is not sen-
9 tenced to a term of imprisonment.

10 (7) Notwithstanding ORS 161.635, \$10,000 is the maximum fine that a court may impose on a
11 person convicted of driving while under the influence of intoxicants if:

12 (a) The current offense was committed in a motor vehicle; and

13 (b) There was a passenger in the motor vehicle who was under 18 years of age and was at least
14 three years younger than the person driving the motor vehicle.

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