

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass
Vote: 8 - 2 - 0
Yeas: Barton, Cameron, Krieger, Olson, Smith J., Stiegler, Whisnant, Barker
Nays: Garrett, Shields
Exc.: 0
Prepared By: Shannon Sivell, Counsel
Meeting Dates: 2/9

WHAT THE MEASURE DOES: Increases the penalty for refusing to take a breath test by increasing the period of time a person is ineligible to receive a hardship permit.

ISSUES DISCUSSED:

- Provisions of the measure

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The purpose of this measure is to reduce the number of repeat driving under the influence of intoxicants (DUII) offenders who refuse to provide a breath test under the implied consent law. Under current law, if a person has a blood alcohol level of .08 or greater, or the person refuses to take a breath test during the course of a DUII investigation, he or she must wait a certain period of time before applying for a hardship permit. A person is subject to an *increased* waiting period under ORS 813.430 if he or she has a previous a DUII conviction or a license suspension under ORS 813.410 within the preceding five years or if the person was participating in a diversion program at the time of the refusal. For offenders subject to the increased waiting period, the current statute does not differentiate between people who refused the breath test and people who failed the test. As breath tests are a significant piece of evidence in any DUII trial, repeat offenders who refuse to provide a breath test have a greater chance of being acquitted than those who provide a breath sample and fail. By increasing the waiting period for those who refuse the test from one year to three years, this measure aims at reducing the number of repeat offenders who refuse the breath test.