

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	10 - 0 - 0
Yeas:	Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith J., Stiegler, Whisnant, Barker
Nays:	0
Exc.:	0
Prepared By:	Shannon Sivell, Counsel
Meeting Dates:	2/23, 3/9

WHAT THE MEASURE DOES: Imposes a minimum fine of \$2500 and mandatory jail for a person convicted of DUII with a blood alcohol level (BAC) of .2% or greater. Reduces the threshold BAC to .15% and removes the provision requiring jail time.

ISSUES DISCUSSED:

- Recidivism
- Federal funding
- Cost of mandatory jail
- Purpose of increased fine

EFFECT OF COMMITTEE AMENDMENT: Reduces the threshold BAC to .15% and removes the provision requiring jail time.

BACKGROUND: The passage of this bill, specifically the increased fine for a BAC of .15% or greater, may be essential for the state to continue receiving 410 Grant funds from the federal government. This is not new money. The state has been receiving these funds for years as detailed at length below.

Criteria for receiving Federal funding under 410 Grant for the Impaired Driving Program

As some background, the Impaired Driving Program at the Oregon Department of Transportation Safety Division has been qualifying and receiving money under this grant for years. Funds under this grant may only be used for impaired driving programs. In the last four years, National Highway Transportation Safety Administration (NHTSA) has tightened the criteria and become much more prescriptive in what states must do in order to continue to receive the funds.

The criteria are listed on the graph on the next page. Under each of these criteria are "sub-requirements" that need to be met in order to qualify. For example, next year in order to qualify under criteria 5, "Alcohol Rehabilitation and DWI Court Program," Oregon will have to add one DUII court. Currently there are two, one in Multnomah County and one Clackamas County. Other counties have expressed interest in starting DUII courts; however, it is not clear whether one will be funded and running by the deadline. If that goal is not met, the state will need to qualify for another criteria. The "High Risk Driver Program," HB 2426A, would meet this need. Additionally, NHTSA has made it known that as a public policy decision the agency favors programs such as HB 2426A that provide higher sanctions for drivers with a BAC of .15% or higher.

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This summary has not been adopted or officially endorsed by action of the committee.

Programmatic Grant:

Applied	Qualifies	Programmatic Grant Criteria Must Meet 5 of 8 in 2009
X		1. High Visibility Enforcement Program
X		2. Prosecution and Adjudication Program
X		3. BAC Testing Program
		4. High Risk Drivers Program (HB 2237 - .15 or higher sanctions)
		5. Alcohol Rehabilitation and DUII Court (as of '09, we will be required to have 3 courts to qualify under this criteria and we only have 2 courts at this time)
X		6. Underage Drinking Prevention Program
		7. Administrative License Suspension or Revocation System
		8. Self-Sustaining Impaired Driving Prevention Program