

Senate Bill 611

Sponsored by COMMITTEE ON JUDICIARY

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**.

Extends time for filing petition for driving while under the influence of intoxicants diversion agreement.

A BILL FOR AN ACT

1
2 Relating to driving while under the influence of intoxicants; amending ORS 813.210.

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

4 **SECTION 1.** ORS 813.210 is amended to read:

5 813.210. (1) After an accusatory instrument has been filed charging the defendant with the of-
6 fense of driving while under the influence of intoxicants, a defendant may file with the court a pe-
7 tition for a driving while under the influence of intoxicants diversion agreement described in ORS
8 813.200. The petition:

9 (a) Must be filed within [30] **45** days after the date of the defendant's first appearance on the
10 summons, unless a later filing date is allowed by the court upon a showing of good cause. For pur-
11 poses of this paragraph, the filing of a demurrer, a motion to suppress or a motion for an omnibus
12 hearing does not constitute good cause.

13 (b) Notwithstanding paragraph (a) of this subsection, may not be filed after entry of a guilty plea
14 or a no contest plea or after commencement of any trial on the charge whether or not a new trial
15 or retrial is ordered for any reason.

16 (2) The defendant shall pay to the court, at the time of filing a petition for a driving while under
17 the influence of intoxicants diversion agreement, a filing fee established under ORS 813.240. The
18 court may make provision for payment of the filing fee by the defendant on an installment basis.
19 The court may waive all or part of the filing fee in cases involving indigent defendants. The filing
20 fee paid to the court under this subsection shall be retained by the court if the petition is allowed.
21 The filing fee shall be distributed as provided by ORS 813.240.

22 (3) The defendant shall pay to the agency or organization providing the diagnostic assessment,
23 at the time the petition is allowed, the fee required by ORS 813.240 (2).

24 (4)(a) Unless otherwise provided under paragraph (b) of this subsection, the defendant shall pay
25 to the court any court-appointed attorney fees agreed to under ORS 813.200 (4)(i). Payments shall
26 be made prior to the end of the diversion period on a schedule determined by the court.

27 (b) The court may waive all or part of the court-appointed attorney fees agreed to under ORS
28 813.200 (4)(i).

29 (5) The defendant shall cause a copy of the petition for a driving while under the influence of
30 intoxicants diversion agreement to be served upon the district attorney or city attorney. The district
31 attorney or city attorney may file with the court, within 15 days after the date of service, a written

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 objection to the petition and a request for a hearing.

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