

REVENUE: No revenue impact

FISCAL: No fiscal impact

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	8 - 0 - 2
<b>Yeas:</b>	Hicks, Nolan, Olson, Schaufler, Wand, Whisnant, Barker, Krieger
<b>Nays:</b>	0
<b>Exc.:</b>	Garrett, Tomei
<b>Prepared By:</b>	Aaron Knott, Counsel
<b>Meeting Dates:</b>	2/10, 3/31, 4/15

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**WHAT THE MEASURE DOES:** Prohibits the use of intoxicants for both juvenile and adult diversion participants, with exceptions.

**ISSUES DISCUSSED:**

- Types of sanctions imposed on violators in diversion courts for the unauthorized use of intoxicants
- Prescription medication and diversion participants
- Possible religious exemption which would allow for communion and similar
- Prohibition of the possession of intoxicants as a standard condition for those on standard DUII probation

**EFFECT OF COMMITTEE AMENDMENT:** Adds exceptions for prescription medications and religious use.

**BACKGROUND:** ORS 813.200 requires the court to inform at the time of arraignment a defendant who is charged with the offense of driving under the influence (DUII) that a diversion agreement may be available. ORS 419C.225 authorizes a county juvenile department to refer a youth to an authorized diversion program under a formal accountability agreement for violations of ORS 813.010 (criminalizing DUII). Diversion requires participants to undergo a court mandated alcohol ? and course of treatment alongside other obligations. As a condition of participation in diversion, participants are required to agree not to use intoxicants in conjunction with the operation of a motor vehicle during the term of diversion. House Bill 2141 A modifies this section to require participants not to use intoxicants at any time, whether or not this use is associated with the operation of a motor vehicle. Exceptions are allowed for the consumption of sacramental wine given or provided as part of a religious rite or service and controlled substances used as directed pursuant to a doctor's prescription.