

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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<b>Action:</b>	Do Pass the A-Engrossed Measure
<b>Vote:</b>	3 - 0 - 2
<b>Yeas:</b>	Dingfelder, Kruse, Prozanski
<b>Nays:</b>	0
<b>Exc.:</b>	Bonamici, Whitsett
<b>Prepared By:</b>	Aaron Knott, Counsel
<b>Meeting Dates:</b>	4/26, 5/11

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**WHAT THE MEASURE DOES:** Prohibits the court from denying the petition of a defendant who would otherwise be eligible for participation in a driving under the influence of intoxicants (DUII) diversion program except for the fact that the defendant is a person who is engaged in active military service. Extends the period of time for diversion completion for those persons engaged in active military service. Permits persons serving in active military service to appear at a show cause hearing telephonically and for that hearing to be stayed. Allows persons serving in active military service to satisfy the terms of their diversion obligation by completing a comparable treatment program conducted by or authorized by a government entity in another jurisdiction.

**ISSUES DISCUSSED:**

- Resources available to individuals engaged in active military service to assist in locating a comparable alcohol treatment program
- Procedure for making the requisite showing that no comparable program is available in a remote jurisdiction such as Afghanistan
- Existing military alcohol treatment resources

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** The DUII diversion program created by ORS 813.200 allows first time DUII offenders an opportunity to see their DUII dismissed upon successful completion of a course of treatment determined by a mandatory alcohol assessment. Diversion participants are given one year to complete the program and may petition once within the last 30 days of that period for an extension. There are no special privileges given to those participating in active military service. House Bill 2702 A creates a broad exemption to these rules for those engaged in military service, allowing multiple extensions to be granted at any time within the diversion period for any duration to accommodate the completion of a tour of duty.

House Bill 2702 A defines the terms of military service at proposed ORS 813.200(2)(7) to include members of the Armed Forces of the United States, the reserve components of the Armed Forces or the National Guard. The defendant must be on active duty or have received orders that the defendant will be called to active duty and must demonstrate that the military service will impair the defendant's ability to complete the conditions of the diversion agreement.