

Joint Committee on Ways and Means

Carrier – House: Rep. Thatcher
Carrier – Senate: Sen. Winters

Revenue: Minimal revenue impact, no statement issued

Fiscal: Fiscal statement issued

Action: Do Pass the A-Engrossed Measure

Vote: 25 – 0 – 0

House

Yeas: Beyer, Buckley, Cowan, Freeman, Garrard, Komp, Kotek, McLane, Nathanson, Nolan, Richardson, G. Smith, Thatcher, Whisnant

Nays:

Exc:

Senate

Yeas: Bates, Devlin, Edwards, Girod, Johnson, Monroe, Nelson, Thomsen, Verger, Whitsett, Winters

Nays:

Exc:

Prepared By: Tim Walker, Legislative Fiscal Office

Meeting Date: June 10, 2011

WHAT THE MEASURE DOES: Requires installation of ignition interlock device as a condition of entry into a driving under the influence of intoxicants (DUII) diversion program. Increases fee required pursuant to a conviction for DUII. Requires provider of an interlock device to notify the court of non-installation or tampering with the device. Removes ability of courts to suspend the interlock requirement due to insufficient moneys in the Intoxicated Driver Program Fund. Makes violation of this requirement a Class A traffic violation.

ISSUES DISCUSSED:

- Relation between diversion and recidivism
- Long term effectiveness of diversion
- What other states are doing with respect to IID's

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: ORS 813.602 requires that an ignition interlock device be installed and used in any vehicle operated by a person who has been convicted of driving under the influence of intoxicants. An ignition interlock is currently required to be present and functional in any vehicle operated by the offender for one year for first time offenders and two years for subsequent offenders. If the court determines that approved ignition interlock devices are reasonably available, the court may require an individual participating in a diversion agreement to install an interlock device as a term of diversion. Courts are not currently permitted to exercise authority under this subsection during any period the courts have notice from the Office of Economic Analysis of the Oregon Department of Administrative Services that there are not sufficient moneys in the Intoxicated Driver Program Fund to pay for indigent defendants. A person who fails to provide proof of the installation of an ignition interlock device upon the termination of the suspension or revocation resulting from a conviction for DUII will have driving privileges suspended until the department receives proof of the installation or one year after the ending date of the suspension resulting from the first conviction for a first time offender or two years for a second time offender, whichever is first. House Bill 3075 A makes the installation of an ignition interlock device mandatory for participants in a diversion program and removes the court's ability to decline to impose this condition due to insufficient moneys in the Intoxicated Driver Program Fund. The provider of the interlock device shall provide notice of any removal or tampering with the device to the court or the court's designee, including health providers certified by the Oregon Health Authority. House Bill 3075 A Praises the Intoxicated Driver Program Fund fee from \$25 to \$50 for those convicted of DUII. Failure to install the ignition interlock device or tampering with the device constitutes a Class A traffic violation. Courts will no longer suspend the ignition interlock requirements when notified by the Office of Economic Analysis of the Oregon Department of Administrative Services that there are not sufficient moneys in the Intoxicated Driver Program Fund to cover associated costs of maintaining the program.