

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass
Vote: 8 - 0 - 2
Yeas: Hicks, Olson, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger
Nays: 0
Exc.: Garrett, Nolan
Prepared By: Cheyenne Ross, Counsel
Meeting Dates: 4/27, 5/18

WHAT THE MEASURE DOES: Allows percent by weight of alcohol in a person's blood based on chemical test of blood or breath, to be expressed either way, in 100 milliliters of blood or in 210 liters of breath.

ISSUES DISCUSSED:

- No change to .08 limit and no change in existing protocols
- Milliliters is the same as cubic centimeters, and the more common usage
- Grams of alcohol in 100 milliliters of blood is the same as in 210 liters of breath; conversion ratio is widely accepted and considered well-established
- Conversion ratio also conservative, to benefit accused persons and account for the possibility of variance
- Vast majority of states already recognize equivalency of the two measurements

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The amount of alcohol in a person's blood may be measured by chemical analysis of his or her breath or blood, but ORS 813.300 and 830.510 require this measurement to be expressed in units of blood only; specifically, grams of alcohol per 100 cubic centimeters of blood.

Senate Bill 65 replaces cubic centimeters with milliliters and allows the measurement of alcohol in a person's blood to be expressed per 100 milliliters of blood or the equivalent 210 liters of breath.