

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	5 - 0 - 0
Yeas:	Bonamici, Dingfelder, Kruse, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Cheyenne Ross, Counsel
Meeting Dates:	2/3, 2/17

WHAT THE MEASURE DOES: Allows percent by weight of alcohol in blood to be based on grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

ISSUES DISCUSSED:

- Measure deems conversion between breath and blood accurate
- Practical effect at trial court level would reduce or eliminate need for expert testimony whenever breath tests are used, to explain how the amount of alcohol in 210 liters of breath is the same as in 100 milliliters of blood
- Prevalence of breath tests versus blood tests
- Breath testing instruments universally report measurement in units of breath
- Most states allow alcohol level to be stated either way
- Level of confidence in conversion of breath measurement to blood alcohol level
- Appropriateness of legislation
- Whether accused persons would be denied ability to argue against underlying science
- Admissibility of evidence is court's determination; weight of evidence, if any, determined by jury
- Effect of implied consent: Refusal to take test may be used as evidence of guilt

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The amount of alcohol in a person's blood may be measured by chemical analysis of their breath or blood. Oregon Revised Statutes 813.300 and 830.510 require this measurement to be expressed based on units of blood; specifically, grams of alcohol per one hundred 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 in units of breath as well as blood.