

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed and Be Referred to the Committee on Rules
<b>Vote:</b>	5 - 0 - 0
<b>Yeas:</b>	Bonamici, Dingfelder, Kruse, Whitsett, Prozanski
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Bill Taylor, Counsel
<b>Meeting Dates:</b>	3/9, 4/20, 4/21

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**WHAT THE MEASURE DOES:** Clarifies that felony driving under the influence, as described under ORS 813.010(5), is a category 6 on the sentencing guidelines grid, which carries a presumptive sentence of twelve to fourteen months.

**ISSUES DISCUSSED:**

- Measure 73 intended ninety days jail time for someone with two prior convictions for driving under the influence
- Need for an appropriation to pay counties

**EFFECT OF COMMITTEE AMENDMENT:** Allows the state to reimburse counties for incarcerating those charged with and convicted of driving under the influence for the third time.

**BACKGROUND:** A person convicted of driving under the influence with three prior convictions for driving under the influence was guilty of a C felony under ORS 813.010(5)(a). ORS 813.012 directed the Oregon Criminal Justice Commission to treat felony driving under the influence as a category 6 offense with a presumptive sentence of 12 to 14 months. Measure 73 classified driving under the influence as a C felony for defendants with two prior convictions rather than three; and imposed a minimum mandatory sentence of ninety days. However, since the third conviction is now a Class C felony, the presumptive sentence is not ninety days but may be twelve to fourteen months. If so, ninety days would be the mandatory minimum.