

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass with amendments to the A-Engrossed Measure. (Printed B-Engrossed)

Vote: 4 - 0 - 1

Yeas: Atkinson, Beyer, Burdick, Rosenbaum

Nays: 0

Exc.: Ferrioli

Prepared By: Erin Seiler, Administrator

Meeting Dates: 6/16

WHAT THE MEASURE DOES: Clarifies driving under the influence (DUI) under ORS 813.010(5) as category 6 felony with twelve to fourteen-month presumptive sentence. Allows state to reimburse counties for cost of incarcerating those charged with and convicted of third DUI. Directs counties to use existing reimbursement rate, which is used to reimburse counties for cost of inmates serving twelve months or less. Directs Department of Corrections (DOC) to make rules for counties to seek reimbursement. Requires reimbursements be made from moneys appropriated to DOC for that purpose. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Implementation of Ballot Measure 73 (2010)
- Provisions of amendment

EFFECT OF COMMITTEE AMENDMENT: Allows state to reimburse counties for cost of incarcerating those charged with and convicted of third DUI. Directs counties to use existing reimbursement rate, which is used to reimburse counties for cost of inmates serving twelve months or less. Directs Department of Corrections (DOC) to make rules for counties to seek reimbursement. Requires reimbursements be made from moneys appropriated to DOC for that purpose. Declares emergency, effective on passage.

BACKGROUND: Under current law, a fourth DUI conviction is designated as a C felony pursuant to ORS 813.010(5). Ballot Measure 73 (2010) also classifies a *third* DUI conviction as a C felony and imposes a minimum mandatory sentence of 90 days.

Pursuant to ORS 831.012, the Criminal Justice Commission (CJC) is required to treat all felony DUI convictions as category 6 for sentencing purposes. Category 6 crimes carry a twelve to fourteen-month presumptive sentence.

SB 395-B clarifies sentencing confusion by requiring CJC to treat only the fourth DUI conviction at ORS 813.010(5) as a category 6 crime for sentencing purposes. Permitting CJC to distinguish between the two C felony DUIs allows the minimum mandatory sentence required by Measure 73 to be imposed for a third conviction, and allows the 12 to 14-month presumptive sentence to be imposed for a fourth conviction.