

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	5 - 0 - 0
Yeas:	Bonamici, Dingfelder, Kruse, Whitsett, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Aaron Knott, Counsel
Meeting Dates:	4/19, 4/21

WHAT THE MEASURE DOES: Modifies the period of time after which a person is permitted to petition for restoration of driving privileges following a revocation as the result of a criminal conviction. Requires a person to petition for reinstatement in the county in which driving privileges were revoked. Requires a person to show proof of completion of an alcohol or drug treatment program prior to reinstatement.

ISSUES DISCUSSED:

- Definition of “lifetime revocation” of driving privileges constituting 10 years under Oregon law
- Newness of reinstatement procedures because of relatively young age of the underlying lifetime suspension requirement
- Difficulties for court to act as fact finder in allowing motions for reinstatement in the person’s county of residence rather than the county of the issuance of the order of revocation

EFFECT OF COMMITTEE AMENDMENT: Requires a person to petition for reinstatement in the county in which driving privileges were revoked. Requires a person to show proof of completion of an alcohol or drug treatment program prior to reinstatement.

BACKGROUND: ORS 209.235 requires driving privileges to be permanently revoked upon a conviction for murder wherein a vehicle is found to have been intentionally used as a dangerous weapon, for aggravated vehicular homicide, manslaughter in the first or second degree, assault in the first degree or criminally negligent homicide for the same if the conviction results from the operation of a motor vehicle. Additionally, a person shall be ordered permanently revoked upon a third conviction for driving under the influence of intoxicants.

A person thusly revoked may petition for the reinstatement of driving privileges in circuit court no sooner than 10 years after the person is sentenced to probation or released on parole or post-prison supervision for the crime for which the privileges were revoked.

Senate Bill 406 A provides that the probationary sentence used to calculate the 10 year period must apply to the crime for which the person’s driving privileges were revoked. In the absence of a probationary sentence or term of post-prison supervision, a person may petition for restoration no sooner than 10 years after the date of sentencing on the crime for which driving privileges were revoked.

Senate Bill 406 A provides that a person must petition for reinstatement in the county in which driving privileges were revoked. This modifies the current process which allows a person to petition from the county in which he or she resides. Senate Bill 406 A provides that a court may not order the reinstatement of privileges unless the person provides proof of completion of an alcohol or drug treatment program in a facility that is approved by the Director of Oregon Health Authority or a similar alcohol or drug treatment program in another jurisdiction.

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This summary has not been adopted or officially endorsed by action of the committee.