

REVENUE: No revenue impact

FISCAL: No fiscal impact

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	10 - 0 - 0
<b>Yeas:</b>	Garrett, Hicks, Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Aaron Knott, Counsel
<b>Meeting Dates:</b>	5/23, 5/31, 6/1

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**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. Specifies that an individual must submit proof of completion of a drug or alcohol treatment course only if so ordered as a component of the sentence imposed on the crime of revocation.

**ISSUES DISCUSSED:**

- Ten year duration of a life-time suspension of driving privileges within the State of Oregon
- Difficulty in processing a petition for reinstatement in a county other than the county of sentencing because of the lack of judicial familiarity with the circumstances of the underlying case

**EFFECT OF COMMITTEE AMENDMENT:** Specifies that an individual must submit proof of completion of a drug or alcohol treatment course only if so ordered as a component of the sentence imposed on the crime of revocation.

**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 B 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 B also 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 of residence. Senate Bill 406 B provides that a court may not order the reinstatement of privileges unless the person provides proof of having completed 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 if the person was ordered to complete such an assessment as a condition of sentencing on the underlying offense, and is found by the court to have been rehabilitated.

6/7/2011 4:42:00 PM

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