

(Including Amendments to Resolve Conflicts)

B-Engrossed House Bill 2104

Ordered by the House June 21
Including House Amendments dated April 19 and June 21

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber for Oregon Health Authority)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Increases fee paid by persons convicted of driving while under the influence of intoxicants and persons entering into driving while under the influence of intoxicants diversion agreement to Director of Oregon Health Authority for deposit in Intoxicated Driver Program Fund.

A BILL FOR AN ACT

1
2 Relating to the Intoxicated Driver Program Fund; creating new provisions; and amending ORS
3 813.030 and 813.240.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 813.030 is amended to read:

6 813.030. The fee required by ORS 471.432 and 813.020 (1) shall be in the amount of [~~\$130~~] **\$230**,
7 except that the court may waive all or part of the fee in cases involving indigent defendants. The
8 court may make provision for payment of the fee on an installment basis. The fee shall be ordered
9 paid as follows:

10 (1) \$105 to be credited and distributed under ORS 137.295 as an obligation payable to the state;
11 and

12 (2) [~~\$25~~] **\$125** to be paid to the Director of the Oregon Health Authority for deposit in the
13 Intoxicated Driver Program Fund created by ORS 813.270.

14 **SECTION 2.** ORS 813.240 is amended to read:

15 813.240. (1) The filing fee paid by a defendant at the time of filing a petition for a driving while
16 under the influence of intoxicants diversion agreement as provided in ORS 813.210 shall be [~~\$261~~]
17 **\$361** and shall be ordered paid as follows if the petition is allowed:

18 (a) \$136 to be credited and distributed under ORS 137.295 as an obligation payable to the state;

19 (b) \$100 to be treated as provided for disposition of fines and costs under ORS 153.630; and

20 (c) [~~\$25~~] **\$125** to be paid to the Director of the Oregon Health Authority for deposit in the
21 Intoxicated Driver Program Fund created under ORS 813.270, to be used for purposes of the fund.

22 (2) In addition to the filing fee under subsection (1) of this section, the court shall order the
23 defendant to pay \$150 directly to the agency or organization providing the diagnostic assessment.

24 **SECTION 3.** **The amendments to ORS 813.030 and 813.240 by sections 1 and 2 of this 2011**
25 **Act apply to persons convicted of driving while under the influence of intoxicants on or after**
26 **the effective date of this 2011 Act and to persons who file a petition for a driving while under**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **the influence of intoxicants diversion agreement on or after the effective date of this 2011**
2 **Act.**

3 **SECTION 4. If House Bill 3075 becomes law, section 1 of this 2011 Act (amending ORS**
4 **813.030) is repealed and ORS 813.030, as amended by section 3, chapter __, Oregon Laws 2011**
5 **(Enrolled House Bill 3075), is amended to read:**

6 813.030. The fee required by ORS 471.432 and 813.020 (1) shall be in the amount of [~~\$155~~] **\$255**,
7 except that the court may waive all or part of the fee in cases involving indigent defendants. The
8 court may make provision for payment of the fee on an installment basis. The fee shall be ordered
9 paid as follows:

10 (1) \$105 to be credited and distributed under ORS 137.295 as an obligation payable to the state;
11 and

12 (2) [~~\$50~~] **\$150** to be paid to the Director of the Oregon Health Authority for deposit in the
13 Intoxicated Driver Program Fund created by ORS 813.270.

14 **SECTION 5. If House Bill 3075 becomes law, section 2 of this 2011 Act (amending ORS**
15 **813.240) is repealed and ORS 813.240, as amended by section 4, chapter __, Oregon Laws 2011**
16 **(Enrolled House Bill 3075), is amended to read:**

17 813.240. (1) The filing fee paid by a defendant at the time of filing a petition for a driving while
18 under the influence of intoxicants diversion agreement as provided in ORS 813.210 shall be [~~\$286~~]
19 **\$386** and shall be ordered paid as follows if the petition is allowed:

20 (a) \$136 to be credited and distributed under ORS 137.295 as an obligation payable to the state;

21 (b) \$100 to be treated as provided for disposition of fines and costs under ORS 153.630; and

22 (c) [~~\$50~~] **\$150** to be paid to the Director of the Oregon Health Authority for deposit in the
23 Intoxicated Driver Program Fund created under ORS 813.270, to be used for purposes of the fund.

24 (2) In addition to the filing fee under subsection (1) of this section, the court shall order the
25 defendant to pay \$150 directly to the agency or organization providing the diagnostic assessment.

26 **SECTION 6. If House Bill 3075 becomes law, section 3 of this 2011 Act is amended to read:**

27 **Sec. 3.** The amendments to ORS 813.030 and 813.240 by sections [~~1 and 2~~] **4 and 5** of this 2011
28 Act apply to persons convicted of driving while under the influence of intoxicants on or after the
29 effective date of this 2011 Act and to persons who file a petition for a driving while under the in-
30 fluence of intoxicants diversion agreement on or after the effective date of this 2011 Act.

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