

Enrolled
House Bill 2104

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

CHAPTER

AN ACT

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

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

SECTION 1. ORS 813.030 is amended to read:

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

- (1) \$105 to be credited and distributed under ORS 137.295 as an obligation payable to the state; and
- (2) [~~\$25~~] **\$125** to be paid to the Director of the Oregon Health Authority for deposit in the Intoxicated Driver Program Fund created by ORS 813.270.

SECTION 2. ORS 813.240 is amended to read:

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

- (a) \$136 to be credited and distributed under ORS 137.295 as an obligation payable to the state;
 - (b) \$100 to be treated as provided for disposition of fines and costs under ORS 153.630; and
 - (c) [~~\$25~~] **\$125** to be paid to the Director of the Oregon Health Authority for deposit in the Intoxicated Driver Program Fund created under ORS 813.270, to be used for purposes of the fund.
- (2) In addition to the filing fee under subsection (1) of this section, the court shall order the defendant to pay \$150 directly to the agency or organization providing the diagnostic assessment.

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

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 If House Bill 3075 becomes law, section 1 of this 2011 Act (amending ORS 813.030) is repealed and ORS 813.030, as amended by section 3, chapter __, Oregon Laws 2011 (Enrolled House Bill 3075), is amended to read:

813.030. The fee required by ORS 471.432 and 813.020 (1) shall be in the amount of [~~\$155~~] **\$255**, except that the court may waive all or part of the fee in cases involving indigent defendants. The

court may make provision for payment of the fee on an installment basis. The fee shall be ordered paid as follows:

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

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

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

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

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

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

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

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

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

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

Passed by House June 22, 2011

.....
Ramona Kenady Line, Chief Clerk of House

.....
Bruce Hanna, Speaker of House

.....
Arnie Roblan, Speaker of House

Passed by Senate June 24, 2011

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2011

Approved:

.....M.,....., 2011

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2011

.....
Kate Brown, Secretary of State