

Senate Bill 395

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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 **as introduced**.

Modifies obligation of Oregon Criminal Justice Commission to classify driving while under the influence of intoxicants as crime category 6.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to driving while under the influence of intoxicants; amending ORS 813.012; declaring an
3 emergency; and providing for criminal sentence reduction that requires approval by a two-thirds
4 majority.

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

6 **SECTION 1.** ORS 813.012 is amended to read:

7 813.012. (1) The Oregon Criminal Justice Commission shall classify [*a violation of ORS 813.010*
8 *that is a felony*] **felony driving while under the influence of intoxicants that is committed un-**
9 **der the circumstances described in ORS 813.010 (5)** as crime category 6 of the rules of the
10 Oregon Criminal Justice Commission.

11 (2) In determining criminal history for a person convicted of a felony that has operation of a
12 motor vehicle as an element, or of a felony that involved death, injury or property damage caused
13 by the use of a motor vehicle, the commission shall:

14 (a) Consider two prior convictions of misdemeanor driving while under the influence of
15 intoxicants to be equivalent to one conviction of felony driving while under the influence of
16 intoxicants; and

17 (b) Consider felony driving while under the influence of intoxicants to be a person felony and
18 consider misdemeanor driving while under the influence of intoxicants to be a person Class A
19 misdemeanor.

20 **SECTION 2.** **This 2011 Act being necessary for the immediate preservation of the public**
21 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
22 **on its passage.**

23

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.