

## SENATE AMENDMENTS TO SENATE BILL 395

By COMMITTEE ON JUDICIARY

April 27

1 In line 2 of the printed bill, after “intoxicants;” delete the rest of the line and insert “creating  
2 new provisions; amending ORS 813.012 and section 3, chapter 1, Oregon Laws 2011; appropriating  
3 money; declaring an”.

4 Delete lines 20 through 22 and insert:

5 “**SECTION 2.** Section 3, chapter 1, Oregon Laws 2011, is amended to read:

6 “**Sec. 3.** [a.] (1) Driving under the influence of intoxicants **under** [(ORS 813.010)] shall be a  
7 Class C felony if the defendant has been convicted of driving under the influence of intoxicants in  
8 violation of ORS 813.010, or its statutory counterpart in another jurisdiction, at least two times in  
9 the 10 years prior to the date of the current offense.

10 “[b.] (2) Once a person has been sentenced for a Class C felony under this section, the 10-year  
11 time limitation is eliminated and any subsequent episode of driving under the influence of  
12 intoxicants shall be a Class C felony regardless of the amount of time which intervenes.

13 “[c.] (3) Upon conviction for a Class C felony under this section, the person shall be sentenced  
14 to a mandatory minimum term of incarceration of 90 days, without reduction for any reason.

15 “[d. *The state shall fully reimburse any county for the county’s costs of incarceration, including*  
16 *any pretrial incarceration, for a person sentenced under this section.*]

17 “**SECTION 3.** (1) **The Department of Corrections shall award grants to counties for the**  
18 **purpose of reimbursing counties for the cost of incarcerating persons sentenced under sec-**  
19 **tion 3, chapter 1, Oregon Laws 2011. The grants shall be made from moneys appropriated to**  
20 **the department for that purpose.**

21 “(2) **The department shall adopt rules describing the manner in which a county may apply**  
22 **for grants described in subsection (1) of this section and establishing the rate at which the**  
23 **county will be reimbursed. The rate of reimbursement may not exceed the calculated rate**  
24 **at which the department provides moneys to counties under ORS 423.530 for persons sen-**  
25 **tenced to 12 months or less incarceration.**

26 “**SECTION 4.** **There is appropriated to the Department of Corrections, for the biennium**  
27 **beginning July 1, 2011, out of the General Fund, the amount of \$\_\_\_\_\_ for the purpose of**  
28 **awarding grants described in section 3 of this 2011 Act.**

29 “**SECTION 5.** **This 2011 Act being necessary for the immediate preservation of the public**  
30 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
31 **on its passage.”.**

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