

**AMENDING BALLOT MEASURE 73 [ORS 813.011]  
TO REDUCE COSTS AND IMPROVE COMMUNITY SAFETY  
SB 69 FACT SHEET**

Ballot Measure 73, as codified in ORS § 813.011, requires a mandatory minimum sentence of 90 days incarceration upon conviction for a driving under the influence of intoxicants Class C felony. For the reasons submitted below, ORS 813.011(3) should be amended to allow a person participating in a treatment court to serve the 90 days incarceration on a continuous alcohol monitoring device.

- The 90 day mandatory minimum incarceration sentence further depletes state funds without changing offender conduct, nor addressing the future costs associated with repeat drunk drivers.
- The annual cost for Multnomah County, alone, to incarcerate the approximately 26 M73 felony offenders who enter DISP and serve 90 days jail at \$90 per day is about \$210,600. The cost for two days jail followed by offender paid 90 days continuous alcohol monitoring is about \$4,680. A savings of about \$205,920. The cost savings for the entire state would be over \$800,000.
- The treatment court offender bears the full cost of electronic alcohol monitoring, treatment and supervision whereas the financial burden of incarceration is carried wholly by the state.
- By requiring offenders to enter treatment and providing intensive supervision for the full term of probation, the justice system is directly combating the high percentage of repeat DUII offenders while simultaneously promoting community safety.
- Jail is only a short-term solution that creates abstinence, but not real change. The treatment court requirement of electronic monitoring, treatment, and close supervision decidedly improves the likelihood the offender is sober and therefore, not a risk to the community during, and increasingly after, treatment court probation ends.
- Recidivism rates for the DUII treatment court are significantly lower for both misdemeanor and felony offenders. 87% of treatment court offenders who successfully completed DISP have not reoffended. A recent recidivism review in Multnomah County for all felony DUII offenders from 2000 – 2010 showed that felony offenders in treatment court repeat the crime at about 10% compared to 18% for those not in treatment court. Misdemeanor rates are even more significant with about 13% of treatment court offenders recidivate compared to about 33% nationally for non treatment court offenders.
- Offender-paid treatment courts require the offender be held accountable. Offenders must enter the work force and remain engaged in the community. An offender sentenced to imprisonment risks losing employment, housing, and support from family and friends. The resulting instability leaves little opportunity for success once the individual is released back into the community.
- The threat of probation revocation and a return to jail remain ever present if the defendant substantially fails to comply with the program requirements.

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