

April 29, 2013

The Honorable Senator Floyd Prozanski, Chair
Senate Judiciary Committee
Oregon State Capitol
900 Court St. NE
Salem, OR 97301

Re: HB 2773 – Permits DUI Diversion for Persons Previously Treated for MIP or PCS Less than one ounce of Marijuana – Support

Dear Chair Prozanski and Members of the Senate Judiciary Committee:

I am writing to express my strong support for HB 2773. I am the mother of a son who would have benefited greatly from this legislation, and hope that other young people in Oregon might benefit from it in the future. Our son graduated with honors from high school with a challenging academic course load. He never had any disciplinary problems in high school and lettered in two Varsity sports. He worked throughout high school as a courtesy clerk to earn money for college and has always received exemplary recommendations.

Our son enrolled at Oregon State University in the Fall of 2011 in the Pre-Engineering Program. Like most young freshmen, he was excited about this new phase of his life and having some new independence in Corvallis. During his freshman year and at 18 years of age, our son was cited in Corvallis for PCS-Less than an Ounce (a violation). Without legal representation or parental guidance, he opted to enter a Diversion Agreement through the Corvallis Municipal Court and was directed to participate in an outpatient treatment program. He was never advised that by accepting diversion on this PCS violation, he would preclude for the rest of his adult life the option of diversion should he ever be arrested for DUII--a much more serious offense with significantly heavier penalties.

Unfortunately, our son was later arrested for DUII-Marijuana. Although he was represented by an attorney, the Municipal Court Judge ruled that he was not eligible for DUII diversion because of the previous PCS diversion. As a result, he was convicted for DUII, and will have that misdemeanor conviction on his record for the rest of his life. This conviction can never be expunged and he will have to disclose it on job applications for the rest of his life.

Our son is a very bright, hard-working and motivated young man who had a promising future before him. Like many young college students, he made some unfortunate choices. His father and I both hope that if there is a silver lining in this, it is that our son has learned his lesson and will never touch an illicit drug again. He has maintained a high GPA and continues to work part-time as a student at OSU. He will apply for admission to the Professional Engineering program this spring and hopes to be accepted into the prestigious MECOP Internship Program. But he has paid a very high price for some poor decisions, a price which will make it much harder for

him to get his professional feet on the ground in the competitive economic climate that young people face today.

My husband and I strongly urge you to support HB 2773.

Sincerely,

Kathryn Nichols

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