



# Oregon

John A. Kitzhaber, M.D., Governor

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## Governor's Advisory Committee on DUII

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DATE: May 24, 2013  
TO: Senate Judiciary  
FROM: Governor's Advisory Committee on DUII; Chair Chuck Hayes  
SUBJECT: HB 2384: Vehicle Forfeiture

### **Discussion:**

HB 2384 gives limited authority to police to seize for forfeiture the motor vehicle of a person arrested or cited for either criminal or aggravated driving while suspended or revoked and the person has had prior convictions involving this charge. It is not a mandatory requirement but an attempt to provide one more option to cope with this offender population.

Based on experience with another law (ORS 809.730) that allows for forfeiture of a vehicle if the person driving it has had prior convictions for driving under the influence, we do not anticipate that this provision will be widely used by police agencies.

The bill requires those agencies that choose to use this authority to adopt policies and procedures for forfeiture and to comply with the forfeiture laws in Chapters 131 and 133. As pointed out by Legislative Counsel, Article XV, Section 10 of the Constitution also provides that if a financial institution demonstrates an interest in property, then that interest is not subject to forfeiture.

Oregon has been trying to find a way to keep drivers suspended for major traffic offenses from driving for years. HB 2384 is another attempt to accomplish that goal. For that reason, the Governor's Advisory Committee on DUII joins the Chiefs of Police and Sheriffs Associations in supporting the measure. Suspended drivers often are in that group because they have been convicted for driving under the influence and they continue to pose a threat to public safety and the other users of our highways.

Thank you,

Chuck Hayes