

REVENUE: Revenue statement issued

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	8 - 0 - 1
Yeas:	Barton, Cameron, Hicks, Krieger, Olson, Tomei, Williamson, Barker
Nays:	0
Exc.:	Garrett
Prepared By:	Mike Schmidt, Counsel
Meeting Dates:	2/7, 2/21, 3/25

WHAT THE MEASURE DOES: Allows participant in driving under the influence of intoxicants diversion program to pay off remaining diversion fees beyond allotted time so long as amount owed is less than \$500 and all other requirements of diversion have been satisfied. Allows court to order restitution as a condition of diversion which creates a money judgment which survives beyond diversion period, even when the driving under the influence of intoxicants charge is dismissed per successful completion of diversion. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Coalition bill between Oregon District Attorneys Association and Oregon Criminal Defense Lawyers Association
- Allows restitution to be ordered in driving under the influence diversion program
- Provides more time to pay all fees as long as other requirements completed

EFFECT OF COMMITTEE AMENDMENT: Combines House Bill 2125 with House Bill 2627. Allows restitution to be ordered along with a DUII diversion. The amendment also allows the court to grant additional time to pay fees if amount owed is less than \$500 and all other requirements completed.

BACKGROUND: According to the current statutory scheme for driving under the influence diversion, if all court and treatment fees are not paid after the first year of diversion, the court may give defendants a 180 day extension (ORS 813.225) to finish any requirements that were unfinished to that point. But after that 180 day extension is up, if all fees are not paid, a defendant will be terminated from diversion and a conviction for DUII will be entered. This bill would give defendants more time to pay the diversion fees so long as they have completed all other obligations of the diversion and owe less than \$500. This bill would also allow the court to order the defendant to pay restitution where the only charge pled to is the DUII that entered diversion.