

REVENUE: Revenue statement issued

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass the A-Engrossed Measure
Vote:	5 - 0 - 0
Yeas:	Close, Dingfelder, Kruse, Roblan, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Mike Schmidt, Counsel
Meeting Dates:	4/23

WHAT THE MEASURE DOES: Allows a diversion participant 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 where the underlying Driving Under the Influence of Intoxicants (DUII) offense is dismissed per successful completion of diversion.

ISSUES DISCUSSED:

- Oregon Criminal Defense Lawyers Association and Oregon District Attorneys Association both agree
- Fairness for victims and for defendants to allow a small amount of additional time to pay fees and restitution

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: According to the current statutory scheme for 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. After the 180 day extension, if all fees are not paid, a defendant will be terminated from diversion and a conviction for DUII will be entered. House Bill 2627 A 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. House Bill 2627 A would also allow the court to order the defendant to pay restitution where the only charge pleaded to is the DUII that entered diversion.