



## Oregon District Attorneys Association, Inc.

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The Oregon District Attorney Association's Legislative Committee opposes HB 4094 as drafted.

1. The bill would deprive the courts and county juvenile departments of the power to require heavy-drinking minors to undergo treatment.
2. The bill would encourage heavier drinking, because those experiencing "alcohol poisoning" could be shielded from prosecution, while lighter drinkers could still be charged.
3. The bill would encourage repeat heavy drinking behavior, because it contains no limit on the number of times a severely intoxicated minor could take advantage of the statutory immunity or the number of minor who could claim the immunity in an incident.
4. The bill will likely result in significant litigation regarding the following issues:
  - What is the precise meaning of the term "alcohol poisoning"?
  - Who has the burden of proving whether someone did or did not hold a belief about someone else's level of intoxication?
  - What actions constitute "seeking medical assistance"?
  - What evidence is subject to suppression?
  - How many "Good Samaritans" can use the immunity for the same incident?

The ODAA Legislative Committee would support, as an alternative to the bill, an expansion of the Minor In Possession of alcohol diversion programs currently available in some counties to make it available statewide.

David J. Amesbury  
Deputy District Attorney for Benton County  
on behalf of the ODAA Legislative Committee