

**Jim Thompson
State Representative
District 23**



**HOUSE OF REPRESENTATIVES
900 COURT STREET NW H-388
SALEM, OR 97301**

February 19, 2014

Senator Floyd Prozanski
Chair, Senate Judiciary Committee
Oregon State Legislature
900 Court Street
Salem Oregon 97301

Dear Senator Prozanski;

RE: HB 4026 dash 9 or dash 10 amendments

I strongly oppose the dash 9 and dash 10 amendments to HB 4026-A as they represent a significant step backwards in our fight against driving while impaired.

In introducing HB 4026, I identified a problem where there is no consistency as to where the compliance reports generated from IID's go such as treatment providers, the ADES who monitor the person's progress and report to the court, or the courts with whom the offender has a diversion agreement. This potentially denies help and accountability, especially for those who have medical problems of addiction or substance abuse. These amendments, however, make the use of IID's optional at blood alcohol levels of 0.15 and above and thus negates any advantage we may obtain in helping these offenders stop driving while impaired and more importantly protecting the public.

Further, your amendments undo the statutorily mandated IID program for diversions and give the courts discretion to require IID's when the blood alcohol level is below 0.15%, and then only with an articulated threat to public safety. The National Highway Transportation Safety Administration analysis shows driving impairment **begins** for everyone at a blood alcohol level of 0.05%. The -9 and -10 amendments allows impaired drivers to avoid IID's altogether, even when their impairment is three times the level proven to cause crashes and fatalities. MADD (Mothers Against Drunk Driving) actively campaigns as an organization to have states lower their per se impairment levels to 0.05, even less than Oregon's 0.08%. In fact the National Transportation Safety Board issued a recommendation that all states adopt 0.05% as the statutorily prohibited blood alcohol level for these very reasons. National studies have demonstrated that IID's are a significant deterrent against repeat DUII's, especially with 90% of first-time DUII offenders being diagnosed with substance abuse or substance dependency issues, necessitating some level of treatment.

Given that there are 70 stops per day for suspected DUII and over 20,000 DUII arrests a year, Oregon has a significant challenge in keeping our streets and highways safe from impaired drivers. While I can understand the desire to exempt IID's for DUIIs coming from substances other than alcohol (marijuana

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and other drugs), it is important to note that polysubstance abuse is common amongst impaired drivers, with many switching their intoxicant of choice depending on availability. The IID represents a degree of accountability and a commitment to adhering to the sober driving provisions of the diversion agreement with the court, and the establishment of safe and responsible driving habits. It may not perfectly address the growing issue of impaired driving with drugs, but to completely exempt those who endanger the public with drugged driving is a fatally flawed step in the wrong direction.

I ask that you move HB 4026A with the -8 amendments, as already agreed to by all parties affected by the bill, from your committee with a do-pass recommendation.



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