



Oregon

John A. Kitzhaber, M.D., Governor

Governor's Advisory Committee on DUII

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February 19, 2014

RE: HB 4026-A

Dear Chair Prozanski and Senate Judiciary Committee Members,

I am writing today to voice my strong support for HB 4026-A, and to request your support as well.

As the chairman of the Governor's Advisory Committee on DUII, I have spent the last several years working on the issues surrounding Impaired Driving, and even longer before during my career with the Oregon State Police, and spearheading Oregon's first Drug Recognition Expert program and training.

One of the most effective tools available to us today in the fight to prevent Impaired Driving is the Ignition Interlock Device, or IID. Currently, IID's are mandated to be installed for every diversion agreement that a first-time offender and a court enter into. However, when this statute was approved, there was a lack of corresponding administrative oversight and coordination between the courts and the treatment providers, as well as reporting requirements and standards for the IID technology used. Without this coordination, the courts and treatment providers are unable to maximize the positive effect that IID's have on reducing the occurrence and recidivism of DUII.

One of the unfortunate facts of DUII is that an overwhelming percentage of offenders have a significant problem with alcohol and drugs, ranging from chronic abuse or even addiction. Often, a DUII is the first contact that many offenders have with a system that is designed to identify these problems and set them on a path for accountability, treatment and recovery. The IID is the most critical component of that process – helping a first-time offender complying with a diversion agreement to adopt new habits of sober driving and personal accountability which supports their progress through treatment and/or education. Even for an offender who committed a DUII offense with drugs and not alcohol, the IID is a critical tool in maintaining that personal accountability and improved decision-making during the period of their diversion, to establish a life-long pattern of safe, sober driving habits.

One key component of HB 4026-A deserving attention is the allowance for new technology, like IID's equipped with cameras, to be used at the discretion of the courts. While not mandated for every diversion agreement, this can still allow a court to maintain additional oversight and accountability for a client who has submitted a negative test on their IID, especially if the client claims they were not the person driving. This additional, discretionary option for the courts allows them to keep a client on diversion with an increased level of accountability for those that may be considered high-risk, or who may otherwise be terminated from the program.

HB 4026-A is the culmination of hard work, compromise and collaboration between all levels of the DUII continuum, including enforcement, treatment, prosecution, courts, defense bar, prevention and other parties who came together to solve a critical problem with our DUII system. I urge your support for this bill and I am available to answer any questions at your convenience.

Respectfully,

A handwritten signature in black ink that reads "Chuck Hayes". The signature is written in a cursive style with a large initial "C" and a long, sweeping tail.

Chuck Hayes

Chair, Governor's Advisory Committee on DUII