

JIM THOMPSON
STATE REPRESENTATIVE

District 23



HOUSE OF REPRESENTATIVES
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SALEM, OR 97301

Statement of State Representative Jim Thompson
District 23
House Bill 4026 Addressing distribution of negative reports from DUI Interlock devices

For the past several years, I along with other members of both caucuses have worked with a broad group of individuals addressing the numerous issue surrounding driving under the influence. Many of those issues were brought forward last year and will be reintroduced next year.

However one issue identified in the legislation discussed last legislative session, was the lack of statutory direction for the reports generated by interlock devices installed in individual's vehicles when convicted or on diversion for DUI and what happens when a negative report is generated.

The work group stressed the importance of clarifying how the reports are viewed and how often the reports should be sent to the courts when there is a negative report either from a person trying to start the car after drinking alcohol or the device was tampered with. This legislation addresses the responsibilities of the installer who downloads the reports and the agency or organization who receives the negative report. The bill also addresses the ability of the court to require newer IID technology for individuals on diversion whose device records a negative report- because of either tampering with the device or trying to start the car after drinking.

Amendments have been offered that offer clarification to the applicability of the bill and for interpretation by the courts. These amendments clarify the bill only applies to those on diversion, they delete a word all agree is not defined and should not be used, add a requirement to notify the defense attorney when a negative report is received by an agency or organization and add improved wording from the original bill .

The dash 8 amendments will be presented at work session which contains the concurred additions or deletions to the bill.

I appreciate your consideration of this legislation.

Jim
Jim Thompson
District 23

As a member of the Judiciary Committee you are aware that for the past several years, I along with some of you, have worked with a broad group of individuals addressing the numerous issue surrounding driving under the influence. Many of those issues were brought forward last year and will be reintroduced next year.

However one issue identified in the legislation discussed last legislative session, was the lack of statutory direction for the reports generated by interlock devices installed in individual's vehicles when convicted or on diversion for DUI and what happens when a negative report is generated.

The work group stressed the importance of clarifying how the reports are viewed and how often the reports should be sent to the courts when there is a negative report either from a person trying to start the car after drinking alcohol or the device was tampered with. This legislation addresses the responsibilities of the installer who downloads the reports and the agency or organization who receives the negative report. The bill also addresses the ability of the court to require newer IID technology for individuals on diversion whose device records a negative report- because of either tampering with the device or trying to start the car after drinking.

Amendments have been offered that offer clarification to the intent of the bill and for interpretation by the courts. The dash 4 amendments clarify the bill only applies to those on diversion and the dash 3 amendment deletes a word all agree is not defined and should not be used.

But since this is a perfect bill, not all agree on the dash 2 amendment. The Dash 2s add a requirement to notify the defense attorney when a negative report is given to the court or prosecutor. Simple on the surface but not all of the paper work and none of the IID reports provide who the defense attorney is or was. The additional work to determine who the defense council is or was adds to the burden of the agency or organization that already is reviewing and distributing the reports without compensation. Some of the organizations or agencies would agree to forward the reports if the name of the defense council was included in the paperwork and would like additional compensation above what is set in statue.

While we considered fee increases last year, those bills did not move from ways and means.

Your choice today on sending the reports to the defense counsel is to adopt the dash 3s which does not address distribution of the negative reports to defense counsel or to adopt the dash 5s which delete the half of the bill which clarifies the distribution of the IID reports.

My preference is for you to adopt just the dash 3s and dash 4s and address distribution of the reports next year along with consideration of compensation for ADES.

I appreciate your consideration of this legislation.

Jim Thompson

District 23