

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass with Amendments to the A-Engrossed Measure. (Printed B-Engrossed)

Vote: 4 - 1 - 0

Yeas: Dembrow, Kruse, Roblan, Prozanski

Nays: Close

Exc.: 0

Prepared By: Channa Newell, Counsel

Meeting Dates: 2/18, 2/25

WHAT THE MEASURE DOES: Requires court to order ignition interlock device for period of diversion agreement if person had blood alcohol content (BAC) of 0.15 percent or higher by weight, or if person refused to submit to chemical test. Gives court discretion to order installation of ignition interlock device if BAC is below 0.15 percent. Requires provider of ignition interlock device installed as condition of diversion agreement to download all reports recorded to device and notify court of any negative reports. Defines “negative report” to include report of tampering, unauthorized removal of device, lockouts, or test violations. Allows court to determine if person subject to diversion agreement must install new device with camera after show cause hearing following negative report.

ISSUES DISCUSSED:

- Need for notification of negative reports from ignition interlock devices
- Discretion of court in ordering camera-enabled ignition device
- Cost of ignition interlock devices
- Recidivism rate following diversion program
- Effects of amendment.

EFFECT OF COMMITTEE AMENDMENT: Removes notification to agency or organization designated by court and notice to person, person’s defense attorney of record, and treatment program. Requires notice of negative report be sent directly to court by provider. Allows court to determine if person subject to diversion agreement must install device with camera after show cause hearing following negative report. Requires court to order ignition interlock device for period of diversion agreement if person had blood alcohol content (BAC) of 0.15 percent or higher by weight, or if person refused to submit to chemical test. Give court discretion to order installation of ignition interlock device if BAC is below 0.15 percent.

BACKGROUND: Oregon allows some persons who have been charged with driving under the influence of intoxicants (DUII) to undergo a diversion program. Successful completion of the program may result in the DUII charge being dismissed. In order to complete a diversion program, a person must pay the required fees, complete a drug and alcohol assessment and treatment program, attend a victim impact panel, refrain from using any drugs or alcohol during the diversion program, and install an ignition interlock device on all vehicles the person may operate during the diversion program term.

House Bill 4026-B gives courts discretion to determine whether an ignition interlock device should be required as a component of a diversion agreement in certain circumstances and prescribes how negative reports downloaded from a device should be sent to the court.

2/25/2014 4:05:00 PM

This summary has not been adopted or officially endorsed by action of the committee.