

REVENUE:

FISCAL:

SUBSEQUENT REFERRAL TO: JUDICIARY

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: James LaBar, Administrator

Meeting Dates: 2/16

WHAT THE MEASURE DOES: Authorizes law enforcement agencies to establish sobriety checkpoints. Defines “sobriety checkpoint” as a roadblock for apprehending persons driving under the influence of intoxicants in violation of ORS 813.010. Takes effect only if Senate Joint Resolution 3 (2015) is approved by people at next regular general election. Become effective on date of constitutional amendment proposed in Senate Joint Resolution 3 takes effect.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT:

BACKGROUND: Currently, thirty-eight other states use sobriety checkpoints. Prior to 1986, sobriety checkpoints were conducted in Oregon. A woman stopped at a sobriety checkpoint in Eugene in 1982 sued and lost her case in Lane County Circuit Court; she appealed, and the Oregon Court of Appeals reversed the Circuit Court decision in 1986. A year later the Oregon Supreme Court upheld the Court of Appeals decision. The reason given was that Oregon did not have standards of the National Highway Traffic Safety Administration (NHTSA) guidelines in place. Enforcement agencies have not been allowed to conduct sobriety checkpoints since the Supreme Court’s decision.

Senate Bill 13 establishes standards for sobriety checkpoints according as outlined by the NHTSA. The measure would only take effect if Senate Joint Resolution 3 is passed by the voters of Oregon. The resolution asks voters to allow law enforcement to use sobriety checkpoints to evaluate drivers for signs of alcohol or drug impairment. Examples of NHTSA standards for sobriety checkpoints include advance notice and signage and special sequencing for pullovers.