



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

MEMORANDUM

DATE: Mrach 5, 2015

TO: Honorable Floyd Prozanski, Chair
Senate Committee on Judiciary

FROM: Aaron Knott, Legislative Director

SUBJECT: HB2372 – Requirement of DPSST certification for urine testing

This testimony is presented in support of HB2372.

BACKGROUND

ORS 813.131(2) states in part: “A police officer may not request a urine test unless the officer is certified by the Board on Public Safety Standards and Training (BPSST) as having completed at least eight hours of training in recognition of drug impaired driving.” Unfortunately, the Board on Public Safety Standards and Training does not exist, having been retitled as the Department of Public Safety Standards and Training, or DPSST. This statute appears to have been overlooked when this agency was renamed.

A trial court judge recently set aside an order in an implied consent DUII case on the grounds that the statute requires that an officer be certified by a non-existent agency.

CONCEPT

HB 2372 updates this obsolete definition, replacing the word “Board” with “Department.”

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