

PRELIMINARY STAFF MEASURE SUMMARY

CARRIER:

Senate Committee on Judiciary

REVENUE: No revenue impact

FISCAL: May have fiscal impact, statement not yet issued

SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Jeff Rhoades, Counsel

Meeting Dates: 2/26

WHAT THE MEASURE DOES: Requires person arrested for driving under the influence of intoxicants (DUII) to submit to fingerprinting within five days of arrest.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: Proposed -1 amendment places onus on court to obtain fingerprinting through inquiry with defendant. Removes provisions precluding diversion entry. Adjusts language regarding booking.

BACKGROUND: ORS 181.515 enumerates the crimes which require fingerprinting upon arrest, including: 1) any felony; 2) any misdemeanor or other offense which involves criminal sexual conduct; and 3) any crime which constitutes a violation of the Uniform Controlled Substances Act. ORS 181.511 requires that, immediately upon the arrest of a person for an above referenced offense, a law enforcement agency place the arrested person’s fingerprints and identifying data on forms prescribed or furnished by the Department of State Police.

In practice, individuals who are booked into jail are fingerprinted under jail policy; however, there is no statutory requirement for such record keeping. As such, individuals who are eligible for DUII diversion and not arrested at the scene are not required to be fingerprinted. This creates problems for recidivism data collection.

Senate Bill 387 mandates fingerprinting in an effort to better track recidivism data in the context of DUII.