

THE LAW OFFICES OF

**DANIEL A. CROSS**

330 N.E. Lincoln Street, Suite 200

Hillsboro, OR 97124

Telephone: 503-640-9509 ♦ Facsimile: 503-640-8450

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DANIEL A. CROSS, Attorney at Law  
MELISSA L. JANTZER, Legal Assistant

crosslaw@msn.com  
assistantmj@hotmail.com

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Representative Jeff Barker, Chair  
House Judiciary Committee, Members

RE: HB 3233, letter in support

Dear Chair Barker and Members,

I am a criminal defense attorney with a private practice in Hillsboro, Oregon and have been since 1993. I have also been a member of the Oregon Criminal Defense Lawyers Association since 1994 and have previously served on the Board of Directors of that Association as well as serving as its President. The focus of my practice since 2000 has been DUII defense and it is in that capacity that I write to you today.

The changes to ORS 809.235(1)(b) that House Bill 3233 brings would, in my estimation, provide several benefits to the citizens of Oregon. First, and, to many people, foremost, it would greatly reduce the number of DUII cases which proceed to trial. Defendants facing a lifetime revocation will surely be advised that they have a greater chance of a judge exercising his or her discretion to impose a lesser revocation if they resolve their case without a trial. Additionally, some prosecutors, in appropriate cases, will use the withdrawal of their objection to this reduction to resolve cases that would otherwise go to trial.

Second, it will provide hope and real relief to many individuals who truly deserve it. For most people, a lifetime revocation of their driving privileges is a far harsher sentence than significant incarceration. The long-term impact results in careers being ended and, with that, the chances of someone being able to successfully complete probation or post-prison supervision and to return to being a productive member of society, is greatly compromised. We know that the greatest predictors of success for individuals who find themselves in this predicament are treatment and employment. A lifetime revocation with no opportunity for a hardship creates hurdles to successful reformation that simply do not need to be there for everyone in this circumstance.

Third, it puts the discretion in the hands of the judge, the person who we have elected to perform just such a task. In my experience, this will not open the floodgates for undeserving individuals to be back on the road. I believe that judges take this responsibility quite seriously. Just today,

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in an analogous situation, I received a denial of a client of mine's application for a hardship permit after being convicted of his second DUII. This client had a diversion in 2001 and a first conviction in 2004. He had no subsequent criminal history until this DUII in 2014. A few years ago, he would have been eligible for diversion again. This client is employed full time, began relapse classes shortly after this incident occurred, was fully engaged with his DUII treatment classes at the time of the application, and had obtained his SR-22. Nonetheless, his application was denied by the court. I have no doubt that an even greater degree of scrutiny will be applied to all requests made pursuant to House Bill 3233.

I hope that this email provides some assistance to you in addressing House Bill 3233. For the reasons stated, I heartily urge your "aye" vote.

Sincerely,

Dan Cross