



Oregon

Kate Brown, Governor

Governor's Advisory Committee on DUII

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TO: House Judiciary Committee

FROM: Chuck Hayes, Chairman
Governor's Advisory Committee on DUII

SUBJECT: House Bill 3233

Introduction:

House Bill 3233 allows a felony DUII with a lifetime license revocation, which includes a 10 year minimum without any license, to apply for a hardship permit after five years, if they install an Ignition Interlock Device for the remainder of their revocation.

Background:

Felony DUII convictions require lifetime revocation of driving privileges, with an ability to obtain a provisional license after 10 years. A felony DUII happens after three (four, if you count an offense that qualified for Diversion) DUII's within a 10 year period. In 2010, Oregon voters strongly passed Measure 74, which gives a mandatory 90 days in jail for felony DUII crimes, sending a clear message that repeat impaired driving crimes need to be dealt with seriously.

What the Bill Does:

This bill will allow convicted felon DUII offenders to obtain a hardship permit after only five years of a lifetime revocation, if they install an Ignition Interlock Device.

Summary:

Felony DUII offenders are repeat offenders who have received at least three DUII convictions. Usually the first DUII is a Diversion and then three additional DUII convictions to qualify for a felony. Lifetime driver's license revocation is reserved for these repeat offenders. While there is an opportunity to obtain a provisional license after 10 years, the person must meet certain qualifications. HB 3233 will weaken the accountability of repeat intoxicated driving and lessen the penalty for these offenders. Keep in mind that felony offenders have had the opportunity to benefit from treatment, usually more than one time. These offenders have also been subject to previous license suspensions, hardship permits and Ignition Interlock Device requirements. Many of those that have re-offended and finally become subject to the lifetime revocation admit that driving is indeed a privilege and they deserve the loss of that privilege.

The GAC-DUII strongly supports the use of Ignition Interlock Devices and recognizes their value as a tool to help prevent recidivism, especially for offenders in Diversion as a supplement to treatment programs designed to confront and overcome substance abuse and addiction. However, the IID system in Oregon is largely unregulated and undermined with disjointed communication and accountability. Several bills this session are attempting to improve this system. However, HB 3233 would endorse putting the worst offenders back behind the wheel, and without the support of substance abuse treatment and the accountability of the courts that one finds with a Diversion Agreement.

There comes a point in the case of multiple DUII convictions where intervention is no longer possible or realistic and consequence is necessary. Recidivism continues to be a serious concern in the public safety arena and within the treatment community. This bill will reduce the incentive to stop driving while intoxicated and undermine the purpose of the lifetime revocation. Therefore, the Governor's Advisory Committee on DUII respectfully requests that the House Judiciary Committee not pass HB 3233.