

House Committee On Judiciary
Chair, Vice-Chairs and Members
Oregon State Capital 900 Court Street NE, Room 331
Salem, Oregon 97301
(503) 986-1750

Re: Tuesday May 19, 2015 Public Hearing and Work Session SB 397 A – Proposal to Modify laws regarding ignition interlock devices.

My name is Ric Walker, Judicial Services Liaison with Smart Start of Oregon, one of the Authorized and Approved Ignition Interlock Device Providers in the State of Oregon. I am writing to you today on behalf of Smart Start of Oregon and also as a Member of the Coalition of Ignition Interlock Manufacturers (CIIM). As the Judicial Services Liaison with Smart Start of Oregon, a large part of my responsibilities is to share IID information with Judges, Alcohol & Drug Treatment Providers, Alcohol & Drug Evaluation Services Offices and Criminal Defense Attorneys. Additionally, I attend and sit in on DUI Diversion Hearing Courts on Pleas to Enter Diversion as well as Probation Violations in terms of Diversion Revocation.

I attended the Senate Committee on Judiciary Public Hearings and Work Session. Even though the Committee did pass this measure on a 5-4 Vote, I feel strongly that this vote reflects the difficulty that members had with this bill. I was and I am still against SB 397, and I agree with the four Senate Judiciary Committee Members who voted against this bill. I am also urging the House Committee on Judiciary to vote "NO" on SB 397 A, and I here is why.

SB 397 certainly appears to have good intentions, but care needs to be taken when there is an any attempt to modify a law that is not broken. In my many years attending DUI Diversion Hearings throughout many jurisdictions in the State of Oregon, I have not observed any Judge that has been concerned with the current 12 month requirement for an IID. Based upon the law, 12 months is not a considerable amount of time for driving under the influence. In a large majority of other States in the United States, 12 months requirement for an IID is standard acceptance. SB 397 A will weaken Oregon's DUI laws instead of making it stronger.

It has been indicated in the Preliminary Staff Measure Summary that SB 397 and its amendments are the product of the Ignition Interlock Device workgroup. There are a number of concepts included, all supposedly aimed at "streamlining the IID process for defendants, the court and the prosecution. Here is where the amendment falls dangerously short...the amendment attempts to "define "negative report" and would allow the Department of Transportation to further define "test violations" by rule.

Please understand that each and every Ignition Interlock Device Provider defines test violations differently. There is no uniform language being utilized currently to define test violations. Additionally, the results of an IID User's test results currently are available to a Monitoring Authority every 30 and/or 60 days. Now, stay with me as I walk you through the reality of test results. Many of the ADES Monitoring Authorities may not even have an opportunity to review an IID User's test results in a timely manner. As an example, in one southern Oregon ADES office, they do not even have an opportunity to review the IID User's test results until the 11 month of the Diversion. Any test violations that have occurred at this point cannot be addressed properly. There are many ADES offices throughout Oregon that do not even look at the IID User reports and test results. SB 397 A over the current system would be disastrous to try and reward an IID User for six months of no violations. If ADES Offices are not monitoring IID User Reports now, what makes you think that they will be doing this with the passage of SB 397 A?

My point is simple, any and all DUI / IID Legislation law changes needs to start with correcting the current system of Monitoring. In my written testimony against HB 2660, I offered to be part of the

solution rather than part of the problem, by offering to be a part of an IID Task Force and or be included in an IID workgroup in the future. Again, I urge you to vote "NO on SB 397 A. The timing is completely wrong for this bill. Just ask the Oregon DMV about the costly fiscal impact there would be to implement SB 397 A.

Sincerely,

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