

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date: 04/02/15

Action: Do Pass As Amended And Be Printed Engrossed.

Meeting Dates: 03/12, 04/01, 04/02

Vote:

Yeas: 6 - Barker, Greenlick, Krieger, Lininger, Olson, Williamson

Nays: 3 - Barton, Post, Sprenger

Prepared By: Jeff Rhoades, Counsel

WHAT THE MEASURE DOES:

Allows court discretion in ordering ignition interlock device (IID) in driving under the influence of intoxicants (DUII) diversion case if defendant submitted to chemical test of his or her breath or blood with result less than .08 percent by weight and the chemical test detected presence of alcohol only. Reorganizes fee and license suspension portions of IID laws.

ISSUES DISCUSSED:

- Mechanics of the bill
- DUII diversion requirements
- State of the current law
- Poly-substance abuse in the context of DUII cases

EFFECT OF COMMITTEE AMENDMENT:

Establishes that IID is required for DUII diversion case where chemical test of breath or blood results in .08 percent by weight or greater or any case where combination of controlled substance and alcohol present. Provides court discretion in ordering IID for cases with result less than .08 percent by weight where no controlled substances present. Changes introduced threshold from .10 by weight to .08 by weight.

BACKGROUND:

ORS 813.602 currently requires that all persons participating in a DUII diversion install an IID to lawfully drive a motor vehicle. Failure to comply with this requirement constitutes a Class A traffic violation. Courts have the power to exempt a person from this requirement under a medical exception. The rules and guidelines for such an exemption are promulgated by the Oregon Department of Transportation.

Additionally, ORS 813.602 allows for the department to defer or waive all or part of a defendant's responsibility to pay for the cost of IID lease, installation and maintenance. The rules for such a deferment or waiver are set by the department. Finally, ORS 813.602 sets out the penalty for failing to submit proof of IID installation to the department. Should an individual fail to do so, the department continues the suspension for: 1) one year after the ending date of the suspension resulting from the first DUII conviction; 2) two years after the ending date of the suspension resulting from a second or subsequent conviction; or 3) five years after the ending date of the longest running suspension or revocation resulting from a DUII conviction.

House Bill 2660 A changes the parameters by which a court may order an IID for DUII diversion. The bill specifies that if a person submits to a chemical test of his or her breath or blood and the result is less than .08 by weight, and the test discloses the presence of alcohol only, the court has discretion whether to order an IID. Additionally, House Bill 2660 A reorganizes the fees and license suspension portions of the law without making major substantive changes.