

STAFF MEASURE SUMMARY

House Committee On Judiciary

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 04/29/15

Action: Do Pass.

Meeting Dates: 04/29

Vote:

Yeas: 8 - Barker, Barton, Greenlick, Krieger, Lininger, Olson, Post, Williamson

Exc: 1 - Sprenger

Prepared By: Jeff Rhoades, Counsel

WHAT THE MEASURE DOES:

Requires court to ensure fingerprinting from person arrested for driving under the influence of intoxicants (DUII). Establishes that court will make inquiry concerning fingerprinting at time of arraignment, sentencing and diversion entry. Applies to offenses committed on or after effective date of act.

ISSUES DISCUSSED:

- Tracking of DUII offenders for recidivism data
- State Identification (SID) Numbers and fingerprinting
- The booking process

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

ORS 181.515 enumerates the crimes that require fingerprinting upon arrest, including: 1) any felony; 2) any misdemeanor or other offense that involves criminal sexual conduct; and 3) any crime that 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 A requires the court to ensure fingerprinting for all DUII cases, including those entering diversion, in an effort to better track recidivism data in the context of DUII. The bill passed unanimously out of Senate Judiciary with a 5-0 vote and passed unanimously from the Senate floor with one member excused.