

House Bill 2372

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires that police officer be certified by Department of Public Safety Standards and Training rather than Board on Public Safety Standards and Training before officer may request urine test of person arrested for offense of driving while under influence of intoxicants.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to driving while under the influence of intoxicants; amending ORS 813.131; and declaring
3 an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 813.131 is amended to read:

6 813.131. (1) Any person who operates a motor vehicle upon premises open to the public or the
7 highways of this state shall be deemed to have given consent, subject to the Motorist Implied Con-
8 sent Law, to a chemical test of the person's urine for the purpose of determining the presence of a
9 controlled substance or an inhalant in the person's body if the person is arrested for driving while
10 under the influence of intoxicants in violation of ORS 813.010 or of a municipal ordinance and ei-
11 ther:

12 (a) The person takes the breath test described in ORS 813.100 and the test discloses a blood
13 alcohol content of less than 0.08 percent; or

14 (b) The person is involved in an accident resulting in injury or property damage. A urine test
15 may be requested under this paragraph regardless of whether a breath test has been requested and
16 regardless of the results of a breath test, if one is taken.

17 (2) A police officer may not request a urine test unless the officer is certified by the [*Board*
18 *on*] **Department of** Public Safety Standards and Training as having completed at least eight hours
19 of training in recognition of drug impaired driving and the officer has a reasonable suspicion that
20 the person arrested has been driving while under the influence of a controlled substance, an
21 inhalant or any combination of an inhalant, a controlled substance and intoxicating liquor.

22 (3) A person asked to give a urine sample shall be given privacy and may not be observed by
23 a police officer when producing the sample.

24 (4)(a) At the trial of any civil or criminal action, suit or proceeding arising out of the acts
25 committed by a person driving a motor vehicle while under the influence of intoxicants, a valid
26 chemical analysis of a person's urine is admissible as evidence and may be used with other evidence,
27 if any, to determine whether the person was driving while under the influence of intoxicants.

28 (b) A chemical analysis of a person's urine is valid under this subsection if analysis is performed
29 in an accredited or licensed toxicology laboratory.

30 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
2 **on its passage.**

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