

SENATE AMENDMENTS TO SENATE BILL 387

By COMMITTEE ON JUDICIARY

March 16

1 On page 1 of the printed bill, line 3, delete “813.220” and insert “813.020”.

2 Delete lines 5 through 30 and delete page 2 and insert:

3 **“SECTION 1. Sections 2 and 3 of this 2015 Act are added to and made a part of ORS**
4 **chapter 813.**

5 **“SECTION 2. When a person is arraigned on a charge of driving while under the influence**
6 **of intoxicants in violation of ORS 813.010, a court shall ensure that the defendant submits**
7 **to booking, if the person has not already been booked on that charge.**

8 **“SECTION 3. When a court grants a petition for a driving while under the influence of**
9 **intoxicants diversion agreement, a court shall ensure that the defendant submits to booking,**
10 **if the defendant has not already been booked on the charge of driving while under the influ-**
11 **ence of intoxicants in violation of ORS 813.010.**

12 **“SECTION 4.** ORS 813.020 is amended to read:

13 “813.020. When a person is convicted of driving while under the influence of intoxicants in vio-
14 lation of ORS 813.010, a court shall comply with the following in addition to any fine or other pen-
15 alty imposed upon the person under ORS 813.010:

16 “(1) The court shall require the person to:

17 “(a) Pay to the court the fee described under ORS 813.030 in addition to any fine imposed under
18 ORS 813.010; [*and*]

19 “(b) Complete a screening interview and a treatment program as provided in ORS 813.021[.]; **and**

20 **“(c) Submit to booking, if the person has not already been booked.**

21 “(2) The court must impose and not suspend execution of a sentence requiring the person either
22 to serve at least 48 hours’ imprisonment, which shall be served consecutively unless justice requires
23 otherwise, or to perform community service for times specified by the court under ORS 137.129. For
24 purposes of this subsection:

25 “(a) A court may provide for the imprisonment to be served in jail, minimum security facilities
26 or inpatient rehabilitation or treatment centers.

27 “(b) Whenever the judge provides for the mandatory imprisonment to be served other than con-
28 secutively, the judgment must specifically so provide and the judge must state the reasons in writ-
29 ing.

30 “(3) In a county that has a victim impact program a court may require the person to attend a
31 victim impact treatment session. If the court requires attendance under this section, the court may
32 require the defendant to pay a reasonable fee to the victim impact program to offset the cost of the
33 defendant’s participation. The fee shall be established for each county by the victim impact panel
34 coordinator and steering committee of that county and shall be not less than \$5 or more than \$50.

35 **“SECTION 5. Sections 2 and 3 of this 2015 Act and the amendments to ORS 813.020 by**

1 **section 4 of this 2015 Act apply to offenses committed on or after the effective date of this**
2 **2015 Act.”**

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