

**PROPOSED AMENDMENTS TO
SENATE BILL 387**

1 On page 1 of the printed bill, line 3, delete “813.220” and insert
2 “813.020”.

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

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

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

10 **“SECTION 3. When a court grants a petition for a driving while
11 under the influence of intoxicants diversion agreement, a court shall
12 require the defendant to submit to booking, if the defendant has not
13 already been booked on the charge of driving while under the influence
14 of intoxicants in violation of ORS 813.010.**

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

16 “813.020. When a person is convicted of driving while under the influence
17 of intoxicants in violation of ORS 813.010, a court shall comply with the
18 following in addition to any fine or other penalty imposed upon the person
19 under ORS 813.010:

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

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

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

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

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

9 “(a) A court may provide for the imprisonment to be served in jail, mini-
10 mum security facilities or inpatient rehabilitation or treatment centers.

11 “(b) Whenever the judge provides for the mandatory imprisonment to be
12 served other than consecutively, the judgment must specifically so provide
13 and the judge must state the reasons in writing.

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

21 **“SECTION 5. Sections 2 and 3 of this 2015 Act and the amendments**
22 **to ORS 813.020 by section 4 of this 2015 Act apply to offenses committed**
23 **on or after the effective date of this 2015 Act.”.**

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