

CAROL R. BISHAM  
Judge

DAVID E. DELIRIAN  
Judge

THOMAS A. MOHLL  
Judge

DANIEL R. MURPHY  
Judge

DEAN L. NOVOTNY  
Judge

February 24, 2017



CIRCUIT COURT OF OREGON  
TWENTY-THIRD JUDICIAL DISTRICT

P.O. BOX 130  
ALBANY, OREGON 97321-0130  
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Representative Jeff Barker  
Chair, House Committee on Judiciary  
[Rep.JeffBarker@oregonlegislature.gov](mailto:Rep.JeffBarker@oregonlegislature.gov)

Re: HB 2613 - Expansion of Intoxicant Definition for DUII

Dear Chair Barker:

I write in my capacity as an independently elected judge. I do not write on behalf of the Chief Justice and this letter does not indicate any position on this legislation by the Oregon Judicial Department.

I write in support of HB 2613.

I have had cases come before the court where evidence showed that the defendant was under the influence of a substance that noticeably affected them but they could not be convicted of Driving Under the Influence of Intoxicants because the state was unable to prove that the substance causing them to be intoxicated was alcohol or a controlled substance. Under current law the substance must be either alcohol, an inhalant or a controlled substance. There are however a number of drugs that are not controlled substances but can intoxicate someone as defined by law.

There is a valid public safety concern here. Persons should not be allowed to operate a motor vehicle on a public highway or premises open to the public while under the influence of any drug that intoxicates them regardless of its status as a controlled substance. The public is at significant risk of injury or death if intoxicated drivers cannot be prosecuted.

Thank you for considering my thoughts on this. If you have any questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel R. Murphy", is written over a horizontal line.

**Daniel R. Murphy**  
Circuit Judge

Email: [Daniel.R.Murphy@ojd.state.or.us](mailto:Daniel.R.Murphy@ojd.state.or.us)

cc: Rep. Andy Olson, Vice Chair - [rep.andyolson@oregonlegislature.gov](mailto:rep.andyolson@oregonlegislature.gov)  
Rep. Jennifer Williamson, Vice Chair - [Rep.JenniferWilliamson@oregonlegislature.gov](mailto:Rep.JenniferWilliamson@oregonlegislature.gov)  
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