



MOTHERS AGAINST DRUNK DRIVING
Lane County Chapter
c/o Lane County Victim Impact Panel
125 E. 8th Ave Rm 400. Eugene 97401
Ph (541) 343-8115 www.maddeugene.org

March 1, 2017

TO: House Judiciary Committee
FROM: Cate Duke
Board Member, MADD Lane County Chapter
Vice Chair, Governor's Advisory Committee on DUII

RE: **HOUSE BILL 2614 – SUPPORT**

Chair Barker, and Members of the Committee:

I would like to thank you for the opportunity to present testimony in support of HB 2614 which 1) adds an administrative penalty into Oregon's Implied Consent statutes for the refusal of a blood test, the same as it currently does for breath and urine, and 2) allows the state to present at trial the fact that a defendant in a civil or criminal action refused to submit to a drug influence evaluation at the time of their arrest.

Drugged driving is an increasingly serious problem in our nation. Breath and urine tests are not adequate for detecting the presence of drugs active in one's system. It is more important than ever to provide law enforcement the tools they need to accurately and effectively determine the impairing substance(s) present in the body at the time of arrest. Including administrative penalties under Implied Consent for refusing to provide a blood sample will provide incentive for people to agree to submit to a blood test. This will help the state obtain the evidence needed to prosecute cases where impairment is determined to be caused by a substance other than alcohol.

A recent SCOTUS case, *Birchfield v. North Dakota*, affirms that states have the right to establish administrative penalties – such as license suspensions or fines – for an Implied Consent violation, which can include the request for blood. It is important to note that HB 2614 does not force a suspect to submit to a blood test, and they may still refuse to submit to any tests without fear of criminal penalty.

The second part of this bill allows a prosecutor to comment on a defendant's refusal to submit to a DRE evaluation at the time of their arrest, when suspected of being impaired by drugs other than alcohol. Currently, the state can comment on a defendant refusing to submit to a field sobriety test, breath test, or urine test, it makes sense that the state should also be able to comment when a drug evaluation is refused.

MADD supports the enforcement, prosecution, and adjudication of DUID laws. HB 2614 adds important tools for the enforcement and prosecution of drugged driving offenders. **Mothers Against Drunk Driving urges you to support HB 2614.**

Thank you.