



DATE: March 29, 2017

TO: Senate Committee on Judiciary

FROM: Amy Joyce, Legislative Liaison

SUBJECT: SB 528, treatment requirement for license reinstatement after DUII

INTRODUCTION

SB 528 removes the 15 year statute of limitation on substance abuse treatment after a conviction for Driving Under the Influence of Intoxicants (DUII).

DISCUSSION

A person whose license is suspended for DUII must provide, among other things, proof of completion of drug or alcohol treatment before DMV may reinstate driving privileges. That treatment must be a program approved by the Oregon Health Authority.

In 2013, HB 2121 added the 15-year statute of limitation on the requirement for proof of DUII Treatment. In addition, that bill added the allowance for the person to petition the court and demonstrate they've taken adequate steps to address any addiction problems. Both of these provisions were added due to issues people were having proving their adequate treatment. The person might have completed treatment with a provider not on the approved list, including out of state treatment by an out of state offender. They might have completed treatment years ago but the provider is out of business so the records are difficult or impossible to locate. In DMV's experience, the OHA maintains proof of treatment compliance for seven years, and courts retain records for 10 years. Prior to HB 2121 there was effectively no legal option other than to complete treatment again with an approved provider.

In the 2013 bill, the end point of 15 years was chosen specifically to match up with a provision in Diversion law. That is, a court may order a Diversion on a DUII offense if it has been 15 years since the person had a DUII conviction.

Passage of SB 528 removes one of two methods for dealing with these obstacles.

SUMMARY

SB 528 removes the 15-year limit on requiring proof of alcohol or drug treatment after a DUII, so as to reinstate the driver license.