



Oregon

Kate Brown, Governor

Governor's Advisory Committee on DUII

Transportation Safety Division, MS #3

4040 Fairview Industrial Drive SE

Salem, OR 97302-1142

Phone: (503) 986-4190

Fax: (503) 986-3143

DATE: April 12, 2017

TO: House Judiciary Committee

FROM: Chuck Hayes, Chairman
Governor's Advisory Committee on DUII

SUBJECT: Support for HB 2614 and the -1 Amendments

Chair Barker and Members of the House Judiciary Committee:

I am providing the following written testimony in support of House Bill 2614-1 amendments which make the refusal to complete a drug influence evaluation by a driver suspected of DUII-Drugs admissible in any criminal or civil action arising out of allegations that the person was driving under the influence of intoxicants.

The GAC-DUII supported the original HB2614 and its intent to place a blood standard into Oregon's Implied Consent and DUII statutes. However, the GAC-DUII recognizes the political realities of this topic and that the Oregon Legislature simply isn't ready to address the issue at this time.

As such, the GAC-DUII supports the -1 amendments to HB2614 which remove the concept of an implied consent blood standard in its entirety, and leaves the only remaining portion of the bill (Section 11) intact. This remaining portion provides only that a prosecutor may comment on a DUII suspect's refusal to participate in a Drug Recognition Expert exam, the same way a prosecutor can currently comment on a refusal to take a breath test, urine test, or field sobriety tests.

Oregon has been successfully deploying drug recognition experts (DREs) since 1995 and has over 200 such officers statewide. DREs go through a comprehensive international training program and learn how to conduct a detailed examination of a suspected drug driver to determine; 1) If the person is impaired. And, if so, determine if the person can operate a vehicle safely; 2) If the impairment is due to an injury, illness, or other medical complication, or drug-related. If drug related, 3) Which drug category or combination of categories of drugs is the most likely source of the impairment. The DRE evaluation employs both objective testing, which includes taking a person's blood pressure, body temperature, pulse rate, etc., as well as a subjective component that looks recognized clinical indicators of drug impairment.

Since the inception of the international Drug Evaluation and Classification Program (also referred to as the Drug Recognition Expert program) that trains officers to be DREs, states are experiencing increases in drug influence evaluation refusals by suspected drug-impaired drivers. Similar situations have already occurred with breath, urine, blood, and roadside field sobriety testing refusals. Thus, we have the need to give our prosecutors the ability to demonstrate that a thorough investigation was attempted.

In summary, the Governor's Advisory Committee on DUII urges your support of HB 2614 and the -1 amendments which will assist in the efforts to reduce impaired driving in Oregon and make our roadways safer. Thank you for your consideration in this matter.

Sincerely,

Chuck Hayes
Chair, GAC on DUII