



## LINN COUNTY JUSTICE COURT DISTRICT 4A

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JAD LEMHOUSE  
JUSTICE OF THE PEACE

June 1, 2017

Sen. Betsey Johnson  
900 Court St. NE, S-209  
Salem, OR 97301

RE: SB 693

Dear Sen. Johnson:

I write to express some concerns regarding SB 693 being considered by the Ways & Means Sub-Committee on Transportation on June 6, 2017. The concerns are several, but 2 provisions of the bill are of heightened concern, Sections 31 & 33.

Section 31 limits suspensions for MIP alcohol & MIP marijuana to only those offenses "resulting from the operation of a motor vehicle"—whatever that means. This effectively guts SB 303 Enrolled, signed by the Governor on April 21, that harmonizes the suspension sanctions for MIP alcohol and MIP marijuana. Where people between 18 and 21 are concerned, the driver privilege suspension is the most critical and most effective sanction that can be imposed. Losing this tool will significantly degrade a court's ability to effect positive behavior change in these cases.

Below is data from a table that Bill Merrill at ODOT provided to me that shows the suspensions on 1st time MIP Alcohol and 2nd or subsequent MIP Alcohol offenders. Notice how these suspensions in each classification have steadily declined over time: First-time offender suspensions declined from 2,393 in 2012 to 942 in 2016 (a 61% decline); 2nd and subsequent suspensions declined from 935 in 2012 to 257 in 2016 (a 73% decline).

Suspensions for MIP Alcohol (Youths of age 13-20)

Year	2012	2013	2014	2015	2016
1st Offense	2,393	1,904	1,385	1,255	942
2nd or Subsequent	935	670	470	336	257

These numbers suggest the importance of the driver privilege suspension to a court's ability to control this type of behavior. The earlier that misbehavior with substances can be controlled, the greater the likelihood that this behavior will not recur. The driver privilege suspension is particularly important to 18- to 20-year olds that I deal with in this Court. It works; we need to keep it for all substance abuse cases for this age group, not just those "resulting from the operation of a motor vehicle."

Section 33 repeals ORS 809.280(1) thereby eliminating the suspension in ORS 809.270 for failing to complete a court ordered driver improvement course. Without the ability to suspend the driver privilege, a court's order to complete a driver improvement course has no effect. This is another suspension tool to which I have frequent recourse.

In addition to fines, my sentence for all convictions for Class A moving violations and for repeated moving violations of any class over a 2 or 3 year period includes an order to complete a driver improvement course within a specified period of time. If the course is not completed on time, then the driver privilege is suspended until the person completes the driver improvement course.

This is an important sanction that is necessary to give effect to the court's order. Without the ability to suspend, the order is meaningless and unenforceable for all practical purposes. It is possible that the drafter confused ORS 809.270 with ORS 807.270 that Section 1 of the bill repeals--intending Sec. 33 to be a conforming amendment for Sec. 1. Regardless of how it arose, Section 33 does unnecessary mischief to a court's authority to order completion of a driver improvement course.

Other sections of this bill eliminate driver privilege suspensions that are either related to offenses and may be the only genuinely effective remedy for the offense, here are two:

Section 18 repeals discretion to suspend for Littering in or near a waterway (ORS 164.775--a Class B misdemeanor). This suspension is effective and used only when the offense involves a motor vehicle used, for example, to take trash into farming areas or timberland and dump the trash in or near a ditch or a creek.

Section 37 repeals suspension for Theft of Gasoline (ORS 164.043, 164.045 & 164.055). People steal gas to use it in automobiles--usually the amount stolen makes the offense a Class C misdemeanor (value of gas less than \$100), more rarely a Class A misdemeanor (value of gas \$100 to \$1000).

Whether treated as a crime or a violation (as is often the case for these offenses), the fine is only occasionally paid, it is extremely rare that anyone goes to jail for one of these offenses, so the only real sanction for these offenses is the driver privilege suspension. That's what gets the attention of the offender.

It is my hope that the several provisions discussed above will be removed from this bill and that courts will continue to have the use of these very effective enforcement tools. Thank you for your attention to this matter.



Jad Lemhouse, Justice of the Peace