

**SB 961 B STAFF MEASURE SUMMARY**

**Carrier:** Rep. Gorsek

**House Committee On Judiciary**

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**Action Date:** 05/25/17

**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

**Vote:** 11-0-0-0

**Yeas:** 11 - Barker, Gorsek, Greenlick, Lininger, Olson, Post, Sanchez, Sprenger, Stark, Vial, Williamson

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Josh Nasbe, Counsel

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**WHAT THE MEASURE DOES:**

Allows defendant charged with driving while under the influence of controlled substance or inhalant to file diversion petition 14 days after prosecuting attorney sends laboratory test results from blood or urine sample to defendant, provided defendant's blood alcohol content was not over .08 percent.

**ISSUES DISCUSSED:**

- Time needed to process laboratory samples and provide defendant results
- Discovery processes in different counties

**EFFECT OF AMENDMENT:**

Begins 14-day period on date prosecuting attorney sends laboratory test results to defendant or defendant's attorney.

**BACKGROUND:**

The driving while under the influence of intoxicants diversion program allows certain defendants to participate in a quasi-probationary program with a number of requirements, including an obligation to complete a drug and alcohol screening interview and any necessary treatment. If a defendant successfully completes the program, the criminal charge against the defendant is dismissed and the diversion remains on the defendant's record. Current law requires the defendant to file a petition to enter diversion within 30 days after the defendant's first appearance on the charge, unless the court finds good cause to allow a later filing. Senate Bill 961-B expressly provides a defendant who is charged with driving under the influence of a controlled substance or inhalant with the ability to file the petition 14 days after the district attorney sends to the defendant the results of a urine or blood sample requested by a police officer.