

Senate Bill 800

Sponsored by COMMITTEE ON JUDICIARY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides court discretion to permanently revoke person's driving privileges under certain circumstances.

A BILL FOR AN ACT

1
2 Relating to permanent revocation of driving privileges; creating new provisions; and amending ORS
3 809.235.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 809.235 is amended to read:

6 809.235. (1)(a) Notwithstanding ORS 809.409 (2), the court shall order that a person's driving
7 privileges be permanently revoked if the person is convicted of any degree of murder and the court
8 finds that the person intentionally used a motor vehicle as a dangerous weapon resulting in the
9 death of the victim, or if the person is convicted of aggravated vehicular homicide, manslaughter in
10 the first or second degree resulting from the operation of a motor vehicle, criminally negligent
11 homicide resulting from the operation of a motor vehicle or assault in the first degree resulting from
12 the operation of a motor vehicle.

13 (b) The court [*shall*] **may** order that a person's driving privileges be permanently revoked if the
14 person is convicted of felony driving while under the influence of intoxicants in violation of ORS
15 813.010 or if the person is convicted for a third or subsequent time of any of the following offenses
16 in any combination:

17 (A) Driving while under the influence of intoxicants in violation of:

18 (i) ORS 813.010; or

19 (ii) The statutory counterpart to ORS 813.010 in another jurisdiction.

20 (B) A driving under the influence of intoxicants offense in another jurisdiction that involved the
21 impaired driving of a vehicle due to the use of intoxicating liquor, a controlled substance, an
22 inhalant or any combination thereof.

23 (C) A driving offense in another jurisdiction that involved operating a vehicle while having a
24 blood alcohol content above that jurisdiction's permissible blood alcohol content.

25 (c) For the purposes of paragraph (b) of this subsection, a conviction for a driving offense in
26 another jurisdiction based solely on a person under 21 years of age having a blood alcohol content
27 that is lower than the permissible blood alcohol content in that jurisdiction for a person 21 years
28 of age or older does not constitute a prior conviction.

29 (2)(a) A person whose driving privileges are revoked as described in subsection (1) of this sec-
30 tion may file a petition in the circuit court of the county in which the person's driving privileges
31 were revoked for an order restoring the person's driving privileges. A petition may be filed under

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 this subsection no sooner than 10 years after the person is:

2 (A) Released on parole or post-prison supervision for the crime for which the person's driving
3 privileges were revoked and any other crimes arising out of the same criminal episode;

4 (B) Sentenced to probation for the crime for which the person's driving privileges were revoked,
5 unless the probation is revoked, in which case the petition may be filed no sooner than 10 years
6 after the date probation is revoked; or

7 (C) Sentenced for the crime for which the person's driving privileges were revoked, if no other
8 provision of this paragraph applies.

9 (b) Notwithstanding paragraph (a) of this subsection, if during the revocation period for the
10 crime for which the person was convicted the person is convicted of a criminal offense involving a
11 motor vehicle, the person may file a petition to restore driving privileges as described in paragraph
12 (a) of this subsection no sooner than 10 years from the date of the most recent conviction involving
13 a motor vehicle.

14 (c) The district attorney of the county in which the person's driving privileges were revoked
15 shall be named and served as the respondent in the petition.

16 (3) The court shall hold a hearing on a petition filed in accordance with subsection (2) of this
17 section. In determining whether to grant the petition, the court shall consider:

18 (a) The nature of the offense for which driving privileges were revoked.

19 (b) The degree of violence involved in the offense.

20 (c) Other criminal and relevant noncriminal behavior of the petitioner both before and after the
21 conviction that resulted in the revocation.

22 (d) The recommendation of the person's parole officer, which shall be based in part on a psy-
23 chological evaluation ordered by the court to determine whether the person is presently a threat to
24 the safety of the public.

25 (e) Any other relevant factors.

26 (4) The court shall order a petitioner's driving privileges restored if, after a hearing described
27 in subsection (3) of this section, the court finds by clear and convincing evidence that the petitioner:

28 (a) Is rehabilitated;

29 (b) Does not pose a threat to the safety of the public; and

30 (c) If the sentence for the crime for which the petitioner's driving privileges were revoked re-
31 quired the petitioner to complete an alcohol or drug treatment program, has completed an alcohol
32 or drug treatment program in a facility approved by the Director of the Oregon Health Authority
33 or a similar program in another jurisdiction.

34 (5) Upon receiving a court order to restore a person's driving privileges, the department may
35 reinstate driving privileges in accordance with ORS 809.390, except that the department may not
36 reinstate driving privileges of any person whose privileges are revoked under this section until the
37 person complies with future responsibility filings.

38 **SECTION 2. The amendments to ORS 809.235 by section 1 of this 2017 Act apply to per-**
39 **sons convicted of a crime on or after the effective date of this 2017 Act.**

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