

Requested by Representative OLSON

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 714**

1 On page 8 of the printed A-engrossed bill, after line 43, insert:

2 **“SECTION 4. (1) Any person who operates a motor vehicle upon**
3 **premises open to the public or the highways of this state is deemed**
4 **to have given consent to submit to the nontestimonial portions of a**
5 **drug recognition evaluation upon the request of a police officer for the**
6 **purpose of determining if the person is under the influence of**
7 **intoxicants in violation of ORS 813.010 or a municipal ordinance. A**
8 **police officer may request a person to submit to a drug recognition**
9 **evaluation if:**

10 **“(a) The police officer has reasonable suspicion that the person has**
11 **been driving while under the influence of cannabis, a controlled sub-**
12 **stance or an inhalant, or any combination of cannabis, a controlled**
13 **substance, intoxicating liquor or an inhalant, in violation of ORS**
14 **813.010 or a municipal ordinance; and**

15 **“(b) The police officer conducting the drug recognition evaluation**
16 **is a certified drug recognition expert.**

17 **“(2) If a person refuses or fails to submit to the nontestimonial**
18 **portions of a drug recognition evaluation as required in subsection (1)**
19 **of this section, evidence of the person’s refusal or failure to submit**
20 **to the drug recognition evaluation is admissible in any criminal or**
21 **civil action or proceeding arising out of allegations that the person**

1 was driving while under the influence of intoxicants.

2 “(3) The Department of State Police by rule:

3 “(a) Shall establish the tests and observations required for drug
4 recognition evaluations that are used for the purpose of determining
5 whether a person is under the influence of intoxicants; and

6 “(b) Shall establish minimum standards for certification of police
7 officers as drug recognition experts.

8 “(4) The department, in adopting rules under subsection (3) of this
9 section, shall take into consideration the applicable minimum stan-
10 dards established by the International Association of Chiefs of Police.

11 “(5) The results of any individual tests or the results of a completed
12 drug recognition evaluation are admissible as evidence as long as the
13 requirements established under subsection (3) of this section are met.

14 “(6) Nothing in this section precludes the admission of evidence of
15 a partial or complete drug recognition evaluation obtained pursuant
16 to a person’s consent or any other lawful means.

17 “SECTION 5. Section 4 of this 2017 Act applies to conduct occurring
18 on or after the effective date of this 2017 Act.”.

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