

SB 965 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Michael Lantz, Counsel

Meeting Dates: 4/3

WHAT THE MEASURE DOES:

Adds any drug, when used in combination with intoxicating liquors, controlled substances, inhalants, or cannabis to intoxicating effect, to list of substances that makes a person guilty of driving while under the influence of intoxicants. Removes requirement that allegation that person was under the influence of a controlled substance or inhalant be pleaded in the charging document in order for conviction. Defines Intoxicant.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under ORS 813.010 a person drives under the influence of intoxicants if the person drives while having a .08 percent blood alcohol level, is under the influence of intoxicating liquor, cannabis, a controlled substance, or an inhalant while driving, or is under the influence of those substances in combination while driving. To be convicted of being under the influence of a controlled substance or an inhalant while driving, this allegation must be pleaded in the charging document.

Senate Bill 965 adds drugs as defined in ORS 475.005 and when used in combination with intoxicating liquors, controlled substances, inhalants, or cannabis to intoxicating effect, to the list of substances that makes a person guilty of driving while under the influence of intoxicants. The definition of drug found in ORS 475.005 includes those drugs in the Official United States Pharmacopoeia, the official Homeopathic Pharmacopoeia of the United States, and the official National Formulary. SB 965 also removes the requirement that the prosecution include the allegation that defendant was under the influence of controlled substance or inhalant in the charging document if alleging that defendant was driving under the influence of these substances.