



Oregon

Kate Brown, Governor

Governor's Advisory Committee on DUII

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TO: Senate Judiciary Committee

FROM: Governor's Advisory Committee on DUII

SUBJECT: SB 965

Dear Chair Prozanski and Members of the Committee:

Thank you for the opportunity to express our strong support for SB 965.

Senate Bill 965 closes a dangerous loophole in our DUII statutes that currently provide a defendant the opportunity to avoid a DUII conviction when combining intoxicating substances based on drug classification. If a DUII defendant consumes alcohol, cannabis, inhalants, or controlled substances alone, or in combination with each other, Oregon's current law sees that as a DUII, complete with substance abuse evaluation, possible treatment, and the opportunity for a Diversion Agreement with the court.

However, if the same defendant had consumed any of those aforementioned substances combined with an impairing-yet-non-controlled substance, such as Kratom, various over-the-counter substances, many Central Nervous System (CNS) depressants, and many new Novel Psychoactive Substances (NPS), it has become the tactic of defense attorneys to agree that impairment was indeed present...but it was caused by the non-controlled substance, and therefore a conviction for DUII is inappropriate.

Senate Bill 965 closes that loophole and says that if impairment is established, and one or more of the statutorily enumerated substances are detected (intoxicating liquor, cannabis, inhalants, or controlled substances) it doesn't matter what else is in the defendant's system for a DUII charge to be appropriate. The impairment cannot be blamed on a non-controlled substance if used in combination with something that would otherwise be a DUII.

Oregon sees a tremendous volume of poly-substance use. It is rare to see a DUII-Drug defendant with only one substance detected. This is indicative of chemical dependency that needs the higher level of supervision that only comes with the DUII charge, and otherwise leaves the defendant without the opportunity and resources to address very dangerous and destructive behavior that comes with a terrible societal cost on Oregon's roadways.

The Governor's Advisory Committee on DUII appreciates the committee's willingness to take this issue up, and to work together constructively to address this problem.

Respectfully,

Chuck Hayes
Chairman, Governor's Advisory Committee on DUII