

DATE: April 1, 2019

TO: Senate Judiciary Committee

FROM: Cecily Morris

SUBJECT: SB 965

Dear Chair Prozanski and Members of the Committee:

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

I am writing in support of Senate Bill 965. This bill 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.

Currently, if a driver uses alcohol, cannabis, inhalants, or controlled substances alone, or in combination with each other, and the driver shows signs of impairment, Oregon's current law treats that as a DUII. The driver must submit to a substance abuse evaluation, followed by possible treatment, and has the opportunity for a Diversion Agreement with the court.

However, if the same defendant had used any of those 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 identified 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.

Please take this step to close this loophole, which will help identify those drivers with a possible substance abuse problem and put them on a path to receiving the treatment they need. This will help improve the safety of our roads for everyone.

Respectfully,

