

SB 568 A STAFF MEASURE SUMMARY**Carrier:** Rep. Tran**House Committee On Judiciary****Action Date:** 05/04/23**Action:** Do Pass the A-Eng bill.**Vote:** 10-0-0-0**Yeas:** 10 - Andersen, Bynum, Chaichi, Conrad, Kropf, Lewis, Morgan, Reynolds, Tran, Wallan**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Adrienne Anderson, LPRO Analyst**Meeting Dates:** 4/18, 5/4**WHAT THE MEASURE DOES:**

Eliminates requirement for the court to hold a hearing on every motion to vacate an ignition interlock device (IID) installed in a person’s vehicle during their participation in a driving while under the influence of intoxicants (DUII) diversion program. Requires the court to hold a hearing if the district attorney or city prosecutor: contests the motion, requests a hearing, and files a written objection with the court within 10 days after the date of service. Requires the defendant filing a motion to vacate the IID requirement to include the following with the motion: an affidavit or declaration that states the defendant is in compliance with the diversion program; a copy of the certificate from the IID provider stating the device has not recorded a negative report; and a letter signed by a treatment counselor stating that the defendant is in compliance with any ordered treatment. Applies to petitions filed on or after the effective date of the measure.

ISSUES DISCUSSED:

- Under current law, if neither party objects, courts are still required to hold a hearing and court dockets are often full
- When the clock begins for service of the motion upon the district attorney

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In Oregon, when a person is charged with their first DUII, they are eligible (with few exceptions) to enter the DUII diversion program outlined in ORS 813.215. A person must install an IID inside their vehicle during their participation in the DUII diversion program. Under ORS 813.645, someone can move the court to vacate their IID if they have been in compliance with the diversion agreement for at least six consecutive months and they have entered into and are in compliance with any treatment program that was recommended. ORS 813.645 required a hearing for every motion to vacate an IID regardless of compliance or noncompliance in the program and does not allow for stipulation by the parties. Many of the filed motions did not include the necessary documents to ensure compliance in the program.

Senate Bill 568 A makes discretionary for the court the hearing requirement to vacate an IID unless the district attorney or city prosecutor contests the motion, requests a hearing, and files a written objection with the court within 10 days after the date of service of the motion, and requires the moving party attach the necessary documents with the motion.