

House Bill 3377

Sponsored by Representative HELFRICH

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that exception for person participating in diversion to use prescription and nonprescription drugs applies only to those drugs that are approved by United States Food and Drug Administration.

A BILL FOR AN ACT

1
2 Relating to driving while under the influence of intoxicants diversion programs; creating new pro-
3 visions; and amending ORS 813.200.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 813.200 is amended to read:

6 813.200. (1) The court shall inform at arraignment a defendant charged with the offense of
7 driving while under the influence of intoxicants as defined in ORS 813.010 or a city ordinance con-
8 forming thereto that a diversion agreement may be available if the defendant meets the criteria set
9 out in ORS 813.215 and files with the court a petition for a driving while under the influence of
10 intoxicants diversion agreement.

11 (2) The petition forms for a driving while under the influence of intoxicants diversion agreement
12 shall be available to a defendant at the court.

13 (3) The form of the petition for a driving while under the influence of intoxicants diversion
14 agreement and the information and blanks contained therein shall be determined by the Supreme
15 Court under ORS 1.525. The petition forms made available to a defendant by any city or state court
16 shall conform to the requirements adopted by the Supreme Court.

17 (4) In addition to any other information required by the Supreme Court to be contained in a
18 petition for a driving while under the influence of intoxicants diversion agreement, the petition shall
19 include:

20 (a) A plea of guilty or no contest to the charge of driving while under the influence of
21 intoxicants signed by the defendant;

22 (b) An agreement by the defendant to complete at an agency or organization designated by the
23 city or state court a screening interview to determine the possible existence and degree of an al-
24cohol or drug abuse problem;

25 (c) An agreement by the defendant to complete, at defendant's own expense based on defendant's
26 ability to pay, the program of treatment:

27 (A) Indicated as necessary by the screening interview; or

28 (B) If ordered by the court under ORS 813.640 after the court receives at least two negative
29 reports;

30 (d) Except as provided in subsection (5) of this section, an agreement by the defendant to not
31 use intoxicants during the diversion period and to comply fully with the laws of this state designed

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 to discourage the use of intoxicants;

2 (e) A notice to the defendant that the diversion agreement will be considered to be violated if
3 the court receives notice that the defendant at any time during the diversion period committed the
4 offense of driving while under the influence of intoxicants or committed a violation of ORS 811.170;

5 (f) An agreement by the defendant to keep the court advised of the defendant's current mailing
6 address at all times during the diversion period;

7 (g) A waiver by the defendant of any former jeopardy rights under the federal and state Con-
8 stitutions and ORS 131.505 to 131.525 in any subsequent action upon the charge or any other of-
9 fenses based upon the same criminal episode;

10 (h) A sworn statement, as defined in ORS 162.055, by the defendant certifying that the defendant
11 meets the criteria set out in ORS 813.215 to be eligible to enter into the driving while under the
12 influence of intoxicants diversion agreement;

13 (i) An agreement by the defendant to pay court-appointed attorney fees as determined by the
14 court; and

15 (j) An agreement by the defendant to pay restitution if ordered by the court under ORS 137.108.

16 (5) A person may use intoxicants during the diversion period if:

17 (a) The person consumes sacramental wine given or provided as part of a religious rite or ser-
18 vice;

19 (b) The person has a valid prescription for a substance **approved by the United States Food**
20 **and Drug Administration** and the person takes the substance as directed; or

21 (c) The person is using a nonprescription drug, as defined in ORS 689.005, in accordance with
22 the directions for use that are printed on the label for that nonprescription drug **and the**
23 **nonprescription drug is approved by the United States Food and Drug Administration.**

24 **SECTION 2. The amendments to ORS 813.200 by section 1 of this 2023 Act apply to di-**
25 **version agreements entered into on or after the effective date of this 2023 Act.**

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