



Oregon District Attorneys: Public Safety Agenda 2023 Legislative Session

HB 2316 – Safe Streets – DUII Modernization

This bill makes two important changes to the Driving Under the Influence of Intoxicants statutes to bring Oregon in line with other states while accounting for the unique circumstances of Oregon's drug laws:

- **Close impairment law loophole:** Oregon has seen an increase in DUIIs involving multiple drugs; recent Oregon State Police counts showed that those charged in more than 45% of driving cases had three or more drugs in their system. Yet Oregon remains one of only a few states without a DUII law covering all impairing substances, instead limiting DUII statute to impairment caused by alcohol, inhalants, psilocybin, cannabis and controlled substances while overlooking medications and herbal or designer drugs like Kratom that may also impair a person's ability to drive. This fix would ensure that offenders can be held accountable when they endanger the community by driving while impaired, regardless of whether they have controlled, noncontrolled or a combination of substances in their system. Without closing this loophole, drivers who are impaired by both a controlled substance and a noncontrolled substance will continue to be able to avoid legal accountability for driving under the influence by making the argument that they were only impaired by the noncontrolled substance.
- **Provide consistency in DUII law:** Currently, under ORS 813.011, a defendant with two DUII convictions in 10 years will have any future DUIIs treated as felonies. However, a person convicted of a felony DUII and sentenced under a different statute, ORS 813.010(5), may have future DUII charges treated as misdemeanors, even if they have more than two prior DUII convictions. This technical fix would reconcile these two sections of law so a person convicted under felony DUII statutes is treated the same for any future DUII convictions.

Also look for:

- **HB 2306 - Dedicated funding for blood testing:** Unlike nearly every other state in the country, Oregon's forensic lab lacks the ability to test drugs in blood. This imposes enormous and unnecessary cost and time constraints on the State and impedes its ability to efficiently prosecute DUII cases, because all blood samples must be sent to out-of-state labs, and the witnesses who tested the blood at those testing labs must then be brought in to testify from out of state. As the State investigates and prosecutes DUII cases involving a growing range of substances, Oregon needs blood testing capabilities to keep up with the evolving climate and avoid unnecessary costs.
- **HB 2303 – Funds for an e-warrant system:** Oregon needs but lacks a statewide e-warrant system allowing law enforcement access from their offices as well as in the field. Frequently, evidence dissipates with the passage of time, making Oregon's laws more difficult to enforce without prompt access to warrants. An online system will provide for timely requests for judicial review for all law enforcement, regardless of the size or location of their agency.