



**TO: Sen. Floyd Proazanski, Chair  
Sen. Kim Thatcher, Vice Chair  
Members of the Senate Committee on Judiciary**

**FR: Amanda Dalton  
Oregon District Attorneys Association**

**RE: Proposed Modifications to [SB 848](#)**

February 9, 2025

SB 848 proposes the establishment of a task force to review the DUII process specific to treatment in a diversion/post-sentencing phase. The Oregon District Attorneys Association supports modernizing and updating this critical screening and treatment as well as developing best practices and ensuring consistency from county to county.

As many of you know, impaired driving in Oregon is a serious issue. Consumer Affairs just released their updated report on the worst states for drunk driving in the Country. Based on four metrics (Percentage of total traffic deaths caused by drivers with a BAC of .08 or higher; number of people killed in crashes involving a drunk driver (.08 BAC or higher) per 100,000 people; number of DUI arrests per 100,000 people (using 2023 FBI data) and number of drunk drivers (.08 or higher) involved in fatal crashes per 100,000 people using NHTSA data) Oregon ranks as the 6<sup>th</sup> worst in the Country. According to the report, 39% of the total traffic deaths in Oregon involved a drunk driver (.08 or higher) and there were 26.6 arrests for DUII per 100,000 people in 2022, which was higher than the national average of 18.7 arrests per 100,000 people.<sup>1</sup>

Our primary concern is the overly broad directive contained in (3)(b) asking the Task Force to “review and make recommendations” on “the state agency or agencies that currently oversee different elements of the driving while under the influence system.” This should be narrowed to screenings and DUII education programs, so not to conflict with the various state agencies that are involved with the DUII system and are not under the treatment umbrella. This includes law enforcement agencies such as the Oregon State Police and others whose responsibilities do not

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<sup>1</sup> <https://www.consumeraffairs.com/insurance/worst-states-for-drunk-driving.html#annual-drunk-driving-rates-by-state>

relate to treatment issues. In addition, this taskforce should not conflict with the Governor's Advisory Committee on DUII, a statewide DUII Task Force established in 1983, which broadly includes public and private organizations involved in DUII, victims of impaired drivers and the general public charged with advising the Governor and Legislature on the problems and issues related to driving under the influence of intoxicants in Oregon. The individuals of this Task Force are appointed by the Governor and the Task Force serves to satisfy requirements for Oregon to receive millions in federal funding.

Our suggested amendment is to eliminate 3(b) to ensure this conflict doesn't exist.

(3) The task force shall review and make recommendations on the following:

(a) The state's driving while under the influence of intoxicants screening and treatment system.

~~(b) The state agency or agencies that currently oversee different elements of the driving while under the influence system.~~

(c) The state agency or agencies that may be best suited to oversee alcohol and drug screening specialists and other elements of the driving while under the influence system in the future.

(d) The standards, regulations or requirements that should apply to alcohol and drug screening specialists.

(e) Evidence-based practices that should be included or required in drug and alcohol treatment for individuals prosecuted for driving while under the influence of intoxicants.

(f) How to address conflicts that arise between court proceedings of driving while under the influence of intoxicants cases and federal health information privacy laws.

Specific to Section 4, while we understand that some defendants may need to seek diversion treatment in their home State, we believe there needs to be more parameters on what a "comparable treatment program" means. It would, for example, be unfair to Oregon participants who are required to participate in more rigorous and dedicated treatment, classes and programming be treated the same as a program that only lasted two weeks. We suggest a requirement that the resident State program be evaluated to determine comparability prior to approval.

SECTION 4. ORS 813.233 is amended to read:

813.233. In lieu of completing a treatment program in this state as a part of completing the conditions of a driving while under the influence of intoxicants diversion agreement in this state, the court may allow a defendant who is [a] **not a resident of Oregon or who is a** member of the Armed Forces of the United States, the reserve components of the Armed Forces of the United States or the National Guard and who is serving on active duty to participate in a comparable treatment program conducted by or authorized by a government entity in another jurisdiction. **Any treatment program from an out-of-state jurisdiction must be evaluated for comparability and approved by an Oregon alcohol and drug screening specialist.**