

## SB 999 -1 STAFF MEASURE SUMMARY

### Senate Committee On Judiciary

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**Prepared By:** Michael Lantz, Counsel

**Meeting Dates:** 4/3, 4/8

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#### **WHAT THE MEASURE DOES:**

Removes reference to alternative fuel vehicle. Defines alternative fuel vehicle.

#### **ISSUES DISCUSSED:**

#### **EFFECT OF AMENDMENT:**

-1 Provides that individual does not revoke his or her implied consent to an otherwise authorized breath, urine, or blood test after an arrest for Driving Under the Influence of Intoxicants by refusing to provide breath, urine, or blood sample. Requires defendant be notified of consequences of failing to provide breath, urine, or blood sample.

#### **BACKGROUND:**

In Oregon and in most other states an individual operating a vehicle on a public road is deemed to have given implied consent to a breath, urine, or blood test if the person is arrested for suspicion of driving a vehicle while intoxicated. Until this year, if a defendant refused to provide a sample that refusal could be used against the defendant in court. This year, the Oregon Supreme Court in *State v. Banks* found that a refusal to provide a sample can be either an act of noncooperation or an invocation of that individual's constitutional protections against self incrimination. If a court determines that the refusal is an invocation of a constitutional right, then that defendant's refusal cannot be used against him or her in court.

Senate Bill 999 removes an outdated reference to alternative fuel vehicles and replaces it with a new definition.