

HB 3136 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 3/16

WHAT THE MEASURE DOES:

Provides that person operating a vehicle on a highway or other public area has given consent to submit to a drug recognition evaluation (DRE). Allows a police officer to request a person submit to a DRE if the officer has a reasonable suspicion that the person was driving under the influence of a controlled substance, an inhalant, or some combination of the the two and the officer conducting the DRE is a certified DRE expert. Provides that a person refusing or failing to submit to a DRE can have the refusal or failure used as evidence against them during a court case or administrative proceeding. Requires the Oregon Department of State Police to establish the procedures and observations required for a DRE and set minimum certification standards for DRE experts based on standards established by the International Association of Chiefs of Police. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under ORS 813.135, a person operating a vehicle on a highway or other public area has given consent to submit to a field sobriety test if the officer reasonably suspects that the person has driven under the influence of intoxicants. If the person refuses or fails to physically submit to the test, evidence of that refusal or failure can be used against the person in a court case or administrative proceeding. However, no similar requirement current exists for drug recognition evaluations.

House Bill 3136 requires a driver to submit to a drug recognition evaluation (DRE), sets standards for DRE tests and expert certification, and allows evidence of the refusal or failure to participate in the DRE to be used against a person in a court case or administrative proceeding.