

House Bill 3137

Sponsored by Representative NOBLE (at the request of Governor's Advisory Committee on DUII)

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 agency or organization that refers person to treatment program for alcoholism, drug dependency or dependency on inhalants may select treatment program in another state where person resides if that treatment program is equivalent to treatment program in this state approved by Director of Oregon Health Authority.

A BILL FOR AN ACT

1
2 Relating to driving while under the influence of intoxicants; amending ORS 813.021 and 813.260.

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

4 **SECTION 1.** ORS 813.021 is amended to read:

5 813.021. (1) When a court, in accordance with ORS 813.020, requires a person to complete a
6 screening interview and a treatment program, the court shall require the person to do all of the
7 following:

8 (a) Complete a screening interview for the purpose of determining appropriate placement of the
9 person in a program for treatment for alcoholism, drug dependency or dependency on inhalants.

10 (b) Pay directly to the agency or organization conducting the screening interview a fee of \$150.

11 (c) Complete the treatment program to which the person is referred.

12 (d) Pay for the treatment program to which the person is referred.

13 (2) The screening interview required by this section shall be conducted by an agency or organ-
14 ization designated by the court. The designated agency or organization must meet the standards set
15 by the Director of the Oregon Health Authority to conduct the screening interviews. Wherever
16 possible a court shall designate agencies or organizations to perform the screening interview that
17 are separate from those that may be designated to carry out a treatment program.

18 (3) An agency or organization doing a screening interview under this section [*may not*] **shall**
19 refer [*a*] **the** person to:

20 (a) A treatment program that has [*not*] been approved by the Director of the Oregon Health
21 Authority; or

22 (b) **A treatment program that is equivalent to the program approved by the director and**
23 **has been approved in the state where the person resides.**

24 (4) The agency or organization conducting a screening interview under this section shall moni-
25 tor the progress of the person referred to the agency or organization. The agency or organization
26 shall make a report to the referring court stating the person's successful completion or failure to
27 complete all or any part of the screening interview or of the treatment program to which the person
28 was referred by the agency or organization performing the screening interview. The report shall be
29 in a form determined by agreement between the court and the agency or organization providing the
30 screening interview.

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 **SECTION 2.** ORS 813.260 is amended to read:

2 813.260. (1) *[Courts having jurisdiction over driving while under the influence of intoxicants of-*
3 *fenses shall designate agencies or organizations to perform the screening interview and treatment re-*
4 *quired under driving while under the influence of intoxicants diversion agreements described in ORS*
5 *813.200. The designated agencies or organizations must meet minimum standards established pursuant*
6 *to ORS 430.357 to perform the screening interview and treatment of problem drinking, alcoholism and*
7 *drug dependency and must be certified by the Director of the Oregon Health Authority.]* **The screening**
8 **interview required under ORS 813.200 shall be conducted by an agency or organization des-**
9 **ignated by the court. The designated agency or organization must meet the standards set**
10 **by the Director of the Oregon Health Authority to conduct the screening interview.**

11 (2) Wherever possible a court shall designate agencies or organizations to perform the screening
12 interview that are separate from those that may be designated to carry out a program of treatment.

13 (3) **An agency or organization doing a screening interview under this section shall refer**
14 **the person to:**

15 (a) **A treatment program that has been approved by the Director of the Oregon Health**
16 **Authority; or**

17 (b) **A treatment program that is equivalent to the program approved by the director and**
18 **has been approved in the state where the person resides.**

19 [(2)] (4) Monitoring of a defendant's progress under a diversion agreement shall be the respon-
20 sibility of the agency or organization performing the screening interview. The agency or organiza-
21 tion shall make a report to the court stating the defendant's successful completion or failure to
22 complete all or any part of the treatment program specified by the screening interview. The form
23 of the report shall be determined by agreement between the court and the agency or organization
24 performing the screening interview. The court shall make the report of the agency or organization
25 performing the screening interview that is required by this subsection a part of the record of the
26 case.

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