



# Oregon

Kate Brown, Governor

**Governor's Advisory Committee on Driving  
Under the Influence of Intoxicants**  
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March 15, 2021

To: House Judiciary Committee  
From: Governor's Advisory Committee on DUII  
Re: Support for HB 3136

Dear Chair Bynum and Members of the House Judiciary Committee:

The Governor's Advisory Committee on DUII writes to express its support for HB 3136 and urges the House Judiciary Committee to favorably consider the bill's passage.

Currently, drug-impaired driving and the resulting fatalities are skyrocketing in Oregon. Drugged driving and drugs-in-combination-with-alcohol fatalities are now both exceeding alcohol-only fatalities on Oregon roadways. However, when it comes to accountability for drug-impaired drivers, Oregon lacks some statutory tools.

One of those tools is the ability to hold a Drug Recognition Expert (DRE) evaluation the same as standardized field sobriety tests (SFST) when it comes to Implied Consent. If a DUII suspect refuses SFST's or a breath test, that refusal can be commented on in a subsequent trial. However, that is not the same for a DRE evaluation. HB3136 allows a refusal for a DRE evaluation to be treated the same as a refusal for standardized field sobriety tests.

The international Drug Evaluation and Classification Program is used nationwide and in several countries to address drug-impaired driving. Oregon has been successfully using DRE's since 1995 and currently has over 170 trained DRE's statewide. Officers must apply to become a DRE, meet minimum standards and be selected to go through a comprehensive training program, ongoing continuing education, and maintain their certification and accuracy.

The Drug Recognition Expert program has grown tremendously since its inception due to the increase of drug-impaired drivers. A DRE evaluation is one of the best tools to prove or disprove impairment by drugs. Without the DRE evaluation, and similarly without a field sobriety test or an Intoxilyzer (breath) test for alcohol-impaired driving, the state is very limited to what evidence can be presented at trial. HB 3136 will allow the judge or jury to consider such a refusal for a DRE evaluation and give it whatever weight the trier of fact sees fit when rendering a verdict.

The Governor's Advisory Committee on DUII thanks the House Judiciary Committee for the consideration of HB 3136 and urges passage. Thank you for your commitment and partnership as we work together to reduce impaired driving on Oregon's roadways.

Sincerely,

Chuck Hayes  
Chair, Governor's Advisory Committee on DUII