

HB 2316 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 1/24

WHAT THE MEASURE DOES:

Defines “intoxicant” for purposes of Oregon Vehicle Code to include any drug, as defined in ORS 475.005, either alone or when used in combination with intoxicating liquor, an inhalant, psilocybin, cannabis or a controlled substance. Removes requirement that the person was under the influence of a controlled substance or an inhalant be pleaded in the accusatory instrument. Provides that once individual is convicted of felony driving while under influence of intoxicants, any subsequent episode of driving while under influence of intoxicants is Class C felony regardless of amount of time that intervenes between offenses.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Currently, a person may be convicted of driving while under the influence of intoxicants on the basis of being under the influence of intoxicating liquor, cannabis, psilocybin, a controlled substance or an inhalant or a combination of the above. The statute does include intoxication by any drug other than those listed or categorized as a controlled substance under ORS 475.005, defined as a drug or its immediate precursor classified in Schedules I through V under the federal Controlled Substances Act.

A person may not be convicted of driving while under the influence of intoxicants (DUII) on the basis of being under the influence of a controlled substance or an inhalant unless the fact that the person was under the influence of a controlled substance or an inhalant is pleaded in the accusatory instrument.

Currently, under ORS 813.011, a defendant with two convictions for DUII in 10 years will have any future DUIIs treated as a felony. However, persons convicted of a felony DUII and sentenced under a different statute, ORS 813.010(5), may have future DUII charges treated as misdemeanors, even if they have more than two prior DUII convictions because the statutory language in ORS 813.011 limits consideration of convictions under other statutory sections.

House Bill 2316 would amend multiple statutes related to the crime of DUII. It would expand the offense of DUII to include being under the influence of any impairing drug; remove requirement that impairment by controlled substance or an inhalant be pleaded in the accusatory instrument; and it would reconcile felony DUII statutes governing repeat DUII offenders.