

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2316 - A

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

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Measure Description:

Expands offense of driving while under influence of intoxicants to include any substance that, when taken into human body, can impair the ability of person to operate vehicle safely. Establishes fines for a person who is under the influence of intoxicants while riding a bicycle.

Government Unit(s) Affected:

Cities, Counties, Criminal Justice Commission, Department of Corrections, Department of Justice, Department of Transportation, District Attorneys, Judicial Department, Oregon Youth Authority, Public Defense Services Commission

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis:

The measure expands the definition of “intoxicant” to the Oregon Vehicle Code to include any drug, as defined by ORS 475.005, alone or in combination with intoxicating liquor, a controlled substance, an inhalant, cannabis, or psilocybin, that adversely affects a person’s mental or physical faculties to a noticeable or perceptible degree. The measure is effective January 1, 2024; however, key provisions of the measure apply only to conduct on or after the effective date.

The measure authorizes courts to impose a minimum fine of \$500 if a person is convicted of driving under the influence while riding a bicycle. In addition, the measure includes a minimum fine of \$1,000 if a person has a blood alcohol percent of 0.15 percent or more as shown by chemical analysis of breath or blood while riding a bicycle or, within two hours after riding a bicycle without consuming alcohol in the intervening period.

The measure creates an affirmative defense while driving under the influence of intoxicants other than, intoxicating liquor, a controlled substance, an inhalant, cannabis, or psilocybin if the defendant obtained, consumed the recommended dose, and followed directions and warnings prescribed by a licensed health care professional or if the defendant obtained the substance without a prescription, consumed the recommended dose, and followed directions and warnings and experienced a reaction. The affirmative defense must be in writing, filed to the court and, served at least 45 days before the first trial date unless all parties agree otherwise but, no less than 21 days before trial.

The Public Defense Service Commission (PDSC) reports the fiscal impact of the measure is indeterminate. This is based on the expanded definition of “intoxicant” to include drugs under ORS 475.005 and that filing notices and timelines associated with an affirmative defense may increase circuit court appearances for indigent defendants. Therefore, PDSC anticipates the number of misdemeanor or felony DUII cases that require court appointed counsel may increase for future DUII cases.

Counties report the fiscal impact of the measure is indeterminate due to the potential increase of people convicted while driving under the influence as the measure expands the definition of substance.

The Department of Justice, Judicial Department, Department of Transportation, and Department of Corrections report there is anticipated minimal fiscal impact and can be absorbed within current resources. There is no fiscal impact for the Oregon Youth Authority, Criminal Justice Commission, District Attorneys, or cities.