

HB 3174 A -A5 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Jules Dellinger, LPRO Analyst

Meeting Dates: 4/29, 5/13

WHAT THE MEASURE DOES:

The measure increases the fee paid to an agency or organization conducting a screening interview to determine appropriate placement of a person convicted of driving under the influence of intoxicants in a treatment program under ORS 813.020 and 813.021 from \$150 to \$250. The measure permits moneys in the Intoxicated Driver Program Fund to be used to pay for DUII screening interview costs and education programs for indigent defendants and permits a court to allow nonresidents of Oregon to participate in a comparable government-authorized program outside of Oregon in lieu of completing a treatment program in Oregon as part of a diversion agreement. The measure applies to fees imposed after the effective date, and it takes effect on the 91st day following adjournment sine die.

HOUSE VOTE: Ayes, 52; Excused, 4; Excused for Business of the House, 4

REVENUE: No revenue impact

FISCAL: Fiscal impact statement issued

ISSUES DISCUSSED:

- Effect of screening interview fee on access to program
- Comparison of screening interview fee to similar fees
- Possible amendment to add fees to Intoxicated Driver Fund
- Current programs and assistance to help pay for fees

EFFECT OF AMENDMENT:

-A5 The amendment limits the amount of funds that can be used from the Intoxicated Driver Program Fund to pay for the screening fee for indigent defendants to \$100 per fee ordered.

REVENUE: No revenue impact

FISCAL: Indeterminate fiscal impact statement issued

BACKGROUND:

Under ORS 813.020, upon convicting a person for driving under the influence of intoxicants (DUII), the court shall require the person to "complete a screening interview and a treatment program as provided in ORS 813.021. ORS 813.021 lays out the standards for that screening, including that the court shall order the person convicted of the crime to "pay directly to the agency or organization conducting the screening interview a fee of \$150."

The Intoxicated Driver Program Fund (ORS 813.270) is composed of certain fines and fees paid by defendants in DUII cases or otherwise provided by law, gifts, or grants. The fund can be used, among other things, to pay for certain aspects of diversion agreements for indigent defendants. Currently, screening interviews are not included. House Bill 3174 would allow for the fund to be used to pay for screening interviews and education programs for indigent defendants. A court can allow a United States servicemember on active duty to participate in a qualifying treatment program outside of Oregon instead of an in-state one as part of a DUII diversion agreement. House Bill 3174 would expand that authority to include nonresidents of Oregon.