

HB 3174 B STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Action Date: 05/13/25

Action: Do pass with amendments to the A-Eng bill. Refer to Ways and Means. (Printed B-Eng).

Vote: 6-0-0-0

Yeas: 6 - Broadman, Gelser Blouin, Manning Jr, McLane, Prozanski, Thatcher

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 4/29, 5/13

WHAT THE MEASURE DOES:

The measure increases the fee that a person convicted of the crime of *driving under the influence of intoxicants* has to pay for a drug and alcohol treatment screening interview from \$150 to \$250 and permits the Intoxicated Driver Program Fund to be used to pay for \$100 of that fee for indigent defendants. The measure 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.

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 Program Fund
- Current programs and assistance to help pay for fees
- Role of fees in accountability

EFFECT OF AMENDMENT:

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.

BACKGROUND:

Under ORS 813.020 and 813.021, upon convicting a person for *driving under the influence of intoxicants* (DUII), the court shall require the person to complete a screening interview for the purpose of determining appropriate placement of the person in a program for treatment for alcohol and drug issues. The court also must order the person to "pay directly to the agency or organization conducting the screening interview a fee of \$150." The screening fee was last increased from \$90 to \$150 by SB 114 (2005).

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 parts of diversion agreements for indigent defendants. Currently, screening interviews are not included. House Bill 3174 B would allow for the fund to be used to pay for \$100 of a screening interview fee for indigent defendants. The Oregon Health Authority currently determines whether defendants are indigent for the purposes of qualifying for coverage of certain costs under the Intoxicated Driver Program Fund.

A court can under current law 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 B would expand that authority to include nonresidents of Oregon.