

HOUSE AMENDMENTS TO HOUSE BILL 2654

By COMMITTEE ON JUDICIARY

April 26

1 On page 1 of the printed bill, delete lines 5 through 30.

2 On page 2, delete lines 1 through 16 and insert:

3 “**SECTION 1.** ORS 813.010 is amended to read:

4 “813.010. (1) A person commits the offense of driving while under the influence of intoxicants if
5 the person drives a vehicle while the person:

6 “(a) Has 0.08 percent or more by weight of alcohol in the blood of the person as shown by
7 chemical analysis of the breath or blood of the person made under ORS 813.100, 813.140 or 813.150;

8 “(b) Is under the influence of intoxicating liquor, a controlled substance or an inhalant; or

9 “(c) Is under the influence of any combination of intoxicating liquor, an inhalant and a con-
10 trolled substance.

11 “(2) A person may not be convicted of driving while under the influence of intoxicants on the
12 basis of being under the influence of a controlled substance or an inhalant unless the fact that the
13 person was under the influence of a controlled substance or an inhalant is pleaded in the accusatory
14 instrument and is either proved at trial or is admitted by the person through a guilty plea.

15 “(3) A person convicted of the offense described in this section is subject to ORS 813.020 in
16 addition to this section.

17 “(4) Except as provided in subsection (5) of this section, the offense described in this section,
18 driving while under the influence of intoxicants, is a Class A misdemeanor and is applicable upon
19 any premises open to the public.

20 “(5) Driving while under the influence of intoxicants is a Class C felony if **the current offense**
21 **was committed in a motor vehicle and if, in the 10 years prior to the date of the current**
22 **offense,** the [*defendant has been*] **person was** convicted of driving while under the influence of
23 intoxicants in violation of this section or its statutory counterpart in another jurisdiction at least:

24 “(a) Three times [*in the 10 years prior to the date of the current offense and the current offense*
25 *was committed in a motor vehicle.*]; or

26 “(b) **Two times, if:**

27 “(A) **The person participated in a driving while under the influence of intoxicants diver-**
28 **sion program or in any similar driving while under the influence of intoxicants alcohol or**
29 **drug rehabilitation program in this state or in another jurisdiction;**

30 “(B) **The person began participation in a program described in subparagraph (A) of this**
31 **paragraph in the 10 years prior to the date of the current offense; and**

32 “(C) **A court dismissed a charge of driving while under the influence of intoxicants be-**
33 **cause the person completed a program described in subparagraph (A) of this paragraph.**

34 “(6) For purposes of [*this*] subsection (5) of this section, a prior conviction for boating while
35 under the influence of intoxicants in violation of ORS 830.325 or its statutory counterpart in another

1 jurisdiction, or for prohibited operation of an aircraft in violation of ORS 837.080 (1)(a) or its stat-
2 utory counterpart in another jurisdiction, shall be considered a prior conviction of driving while
3 under the influence of intoxicants.

4 “[6] (7) In addition to any other sentence that may be imposed, the court shall impose a fine
5 on a person convicted of driving while under the influence of intoxicants as follows:

6 “(a) For a person’s first conviction, a minimum of \$1,000.

7 “(b) For a person’s second conviction, a minimum of \$1,500.

8 “(c) For a person’s third or subsequent conviction, a minimum of \$2,000 if the person is not
9 sentenced to a term of imprisonment.

10 “[7] (8) Notwithstanding ORS 161.635, \$10,000 is the maximum fine that a court may impose
11 on a person convicted of driving while under the influence of intoxicants if:

12 “(a) The current offense was committed in a motor vehicle; and

13 “(b) There was a passenger in the motor vehicle who was under 18 years of age and was at least
14 three years younger than the person driving the motor vehicle.”.

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