

LC 469: Modernizing the DUI System

The Driving Under the Influence of Intoxicants (DUI) service system in Oregon faces challenges related to screening, referral, monitoring, roles among stakeholders, disparities in outcomes, and evidence-based practices to prevent recidivism.

Oregon's DUI Service System Faces Many Challenges

Driving under the influence of intoxicants (DUI) poses a significant threat to public safety. Oregon's DUI service system was created in 1981 to reduce recidivism among people charged or convicted of DUI offenses. The system has evolved very little over time and it faces persistent challenges, inefficiencies, and inconsistencies.

The system involves multiple partners, including the Oregon Health Authority (OHA), the state's court system, the Department of Corrections, and the Department of Motor Vehicles. However, existing statutes lack clarity about the roles and responsibilities of each partner, and about how their different mandates overlap.

The current screening and referral process relies on individuals known as Alcohol and other Drug Screening Specialists (ADSSs). The ADSSs are selected by courts, but must be certified by OHA. This results in blurred lines of authority and oversight.

A particular problem occurs when an ADSS retires or otherwise leaves this line of work. State law mandates that DUI records be maintained for 15 years, but there is no legal mechanism to compel ADSSs to maintain records, produce them when needed in the future, or even hand them over to a court or agency.

The system was designed to identify and address substance use disorders among people charged or convicted of DUI. However, modern research has identified additional risk factors for DUI recidivism, such as family dynamics, that can impact the likelihood of recidivism but are overlooked in the DUI statutes.

The Intoxicated Driver Program Fund pays for DUI treatment for defendants with limited resources, but it does not allow payment for screenings or education programs, which are also important to long term recovery and prevention of future DUIs.

In most cases, when a person who resides in another state receives a DUI charge in Oregon, the statute does not allow the person to complete treatment in a program in their own state, which increases the likelihood of them not completing treatment at all. (Existing law does allow out-of-state treatment for members of the US military only.)

Proposals for DUI Modernization

To address the challenges in Oregon's DUI service system, this bill would:

- Create a legislatively mandated workgroup comprising state agencies, the criminal justice system, and culturally specific DUI support service providers. These stakeholders will be assigned to clarify roles and propose solutions to enhance system effectiveness, efficiency, and equity.
- The workgroup will identify which entity is best suited to monitor individuals under diversion agreements or convicted of DUI, ensuring more effective supervision and support for rehabilitation. It would also clarify oversight and responsibilities of Alcohol and other Drug Screening Specialists.
- Permit individuals facing DUI charges in Oregon to complete equivalent programs in their home state, streamlining the process and promoting treatment protocol uniformity.
- Authorize the Intoxicated Driver Program Fund to cover screenings and education for individuals who are unable to financially access these services, ensuring equitable access to critical intervention programs.

Collectively, these reforms aim to address deficiencies, foster collaboration, enhance monitoring, promote interstate cooperation, and expand access to DUI services for groups that have been economically and socially marginalized – all to better safeguard public safety, promoting rehabilitation, and reduce recidivism.

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