

Legislature toughens DUII penalties

by MICHAEL P. JONES
Post Correspondent

It takes only 10 percent of alcohol in one's blood to be presumed guilty of "driving under the influence" (DUII).

This represents, for a person weighing 150-160 pounds, approximately five beers, five glasses of wine or five mixed drinks within an hour.

In Clackamas County during 1980, 568 persons were arrested for DUII by the state police. For the period of January through June 1981, 300 arrests occurred.

The state of Oregon, in order to curb the number of fatalities associated with drinking and driving, has declared "open season" on drunken drivers, and toughened its law this past legislative session.

House Bill 2010 makes driving under the influence of intoxicants a Class A misdemeanor with a maximum fine of \$1000, up to a

year in jail, or both.

A first conviction will also result in the suspension of one's operator's license for one year. A second or subsequent conviction for driving under the influence will result in a three-year license suspension, as well as the suspension of the individual's vehicle registration for 120 days.

Suspension of a person's driver's license for DUII is mandatory, but convicted persons can apply for an occupational license in order to drive to and from work, only. If convicted for a second time, an occupational license can only be obtained if the person completes an appropriate alcohol abuse program. With a third DUII conviction, an occupational license cannot be issued for at least a 90-day period, and it could be longer, or even be denied.

Captain Jim Phillips, assistant to the Oregon State Police Traffic Divi-

sion's Administrator, praised the new law for both its clout and fairness to the accused.

Phillips said that seven years ago drunken drivers were charged with a traffic infraction, not a crime. This infraction did not allow the accused a jury trial despite the fact that the offense was punishable by a fine of up to \$1000. Any subsequent convictions were punishable by up to a year in jail and a fine up to \$1000.

Brown vs. Multnomah County, a case heard by the Oregon Supreme Court this past year, changed all of this, said Phillips. He said due to the severity of the fine, and the possibility of serving time, that it's fair that all persons arrested for driving under the influence be entitled to a jury trial, be represented by counsel, and know their rights.

The new law also allows an offender to enter a diversion program if it is

their first DUII offense within a ten-year period.

Phillips said that any person wanting to get into the diversion program will have to petition the courts for permission. The State Health Division will then make an assessment of the person as to whether he has an alcohol problem, or if this was a one time "too much to drink occurrence," which often occurs during the holiday office party season.

If the individual is admitted to the program, he must pay a \$275 diversion fee to the court, in addition to the cost of the counseling or treatment program. Those who successfully complete the program and are not accused of another DUII violation for the next year, will have the arrest removed from their criminal record but not off the Department of Motor Vehicle driving record.

Phillips said that nationally 50 percent of all fatal motor vehicle ac-

cidents involve drunken drivers. In Oregon, 804 persons were cited at accident scenes in 1980. This figure reflects that 6.7 percent of all DUII arrests were made at accident scenes. The total DUII arrests for this year totalled 11,984.

In the first ten months of 1981, said Phillips 5.5 percent of all DUII were arrested at accident scenes. For this period there were 9,433 DUII arrests made.

Phillips said that the 1981 figures are substantially lower because of budget cutbacks, "which really cut into our traffic enforcement action."

Phillips said that the reasons for the increase in DUIIs are numerous. He said that one reason, according to the experts, can be attributed to the economy.

"There is more drinking," said Phillips, "because of the harsh economic time we're in. There is more idle time and idle time means more drinking. It's a fact of life."



Staff photo

Barbara Schmidt of Sandy has an Easter lily doing double duty. It bloomed last spring, of course, and then surprised the Schmidts by blooming again on Thanksgiving. The plant, which died and had been trimmed down, has been in and out of the house since spring, Schmidt said.

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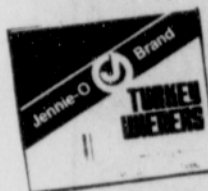
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