

New consequences awaiting those who drink and drive

by Jack Zimmerman

Prospects are less than cheerful for Oregonians who partake of holiday cheer and attempt to drive while under the influence.

And this particular time of year seems appropriate for discussing what lies ahead when lawmakers meet in Salem next month and once again tackle the drunk driving problem.

Driving under the influence of intoxicants (DUI) is a year-round problem that only intensifies during the holidays. But it appears likely the Legislature will take steps that could make drunk driving more hazardous to perpetrators before the next Yuletide is upon us.

Major impetus for attacking the problem in the past has been provided by the high rate of drunk driving involved in

traffic fatalities and injuries. And while loss of life and serious injuries stemming from auto wrecks remain a major reason for dealing with the problem, another factor has entered the picture.

The other factor is the tremendous amount of time and money involved in prosecuting drunk drivers under current statutes.

The Oregon Commission on the Judicial Branch recommends decriminalizing drunk driving. The Traffic Safety Commission wants harsher penalties for first offenses. And still another proposal would levy heavier fines and imprisonment for first offenders, which could be suspended and expunged from records if offenders opted for a guilty plea and submitted to alcoholic treatment.

Of the three, decriminalization may sound best to those who figure they might

get caught. The word has a nice ring to it and most certainly must mean drunk drivers won't have to worry about the threat of a jail sentence.

But the plan proposed by the Commission on the Judicial Branch has other implications that may turn out to be even more effective than the immediate threat of spending time in jail.

The Commission gets into the act by virtue of its assignment by the 1979 Legislature to come up with ways to improve the efficiency of Oregon's court system.

It claims DUI constitutes a major problem in law enforcement, a major problem in District Courts and a growing problem in Circuit Courts. While many Legislators and concerned citizens demand harsh punishment, defendants demand jury trials in most cases, knowing juries are reluctant to convict. Although this sentiment for punishment and reluctance to apply that punishment is understandable, our courts are caught in the middle.

Jury trials are five times more time consuming than court trials and much more expensive. DUI currently account for up to half the jury trials in District Courts and in the last decade have virtually buried those courts. It now takes longer to try a DUI case in Multnomah County District Court than a murder trial in Circuit Court.

The 1975 Legislature attempted to decriminalize DUI first offenses but that law was declared unconstitutional because repeaters were still liable for punishment under criminal statutes.

The Commission, in an attempt to balance the goals of eliminating unsafe drivers, punishing vehicle code violators, improving court efficiency and protecting the rights of accused persons, wants

lawmakers to rely fully upon civil penalties for DUI.

The process would be based upon withholding driver's licenses to achieve criminal enforcement. And the plan, while probably solving the constitutionality problem, sounds like it might be quite effective.

First offenders would be liable for fines up to \$500 and permissive one-year license suspension at the discretion of the sentencing judge.

Second offenders (within five years) would face the same fine structure but risk mandatory one-year license suspension and mandatory three-month prohibition against issuance of occupational driver's license.

Third and subsequent offenders (within five years) also face the same fines, plus mandatory one-year license suspension and prohibition against occupational license for the same period.

The penalty system eliminates the necessity for jury trials, establishes stronger and more predictable penalties and eliminates the right to appointive counsel at public expense.

While it doesn't meet desires of those who demand immediate jail sentences for DUI, that fate likely would await persons caught driving while their licenses were suspended. And although those charged with driving-while-suspended can demand jury trials, those proceedings are much quicker because the issue is relatively simple compared with proving driving under the influence.

Considering the commonplace status of driving under the influence reflected by DUI cases, and the resulting increases in deaths and injuries, lawmakers are bound to address the problem and the Commission's solution just might be the most productive.

Bugas joins NW fishing committee

State Rep. Ted Bugas, R-Astoria, has been named by Gov. Vic Atiyeh as the State of Oregon representative on an advisory committee to a federal study of the needs of the fishing industry and public ports in Oregon, Washington and California.

The National Marine Fisheries Service and the Economic Development Administration are sponsoring the study entitled "West Coast Fishing Industry and Public Ports Infrastructure Needs Assessment."

According to National Oceanic and Atmospheric Administration (NOAA) officials, the project is being funded through the West Coast Fisheries Development Foundation, a non-profit organization representing the West Coast

fishing industry.

NOAA officials say the advisory committee, of which Bugas is a member along with representatives of federal and state government, fishing industry, and port authorities, will closely monitor the study.

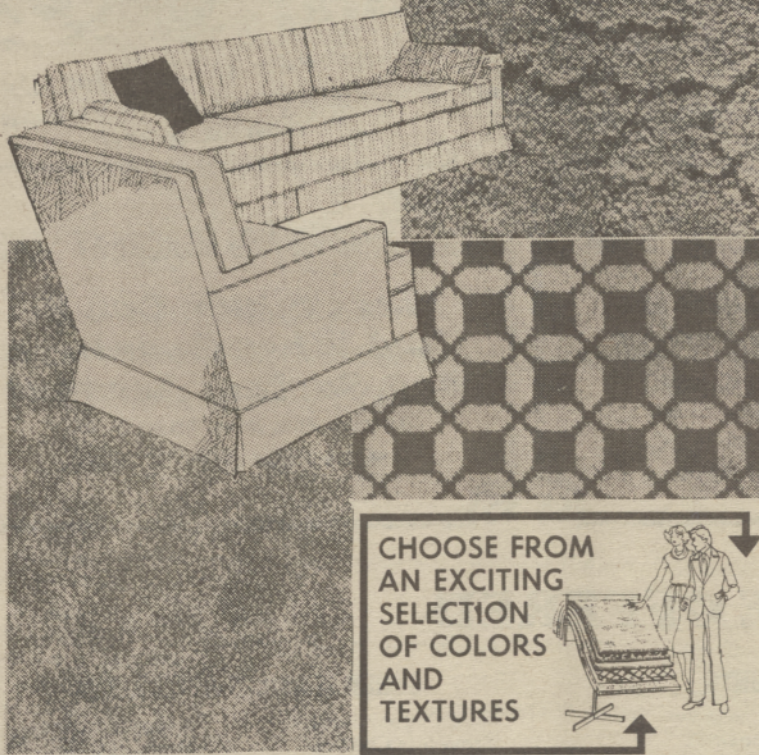
Bugas, vice president and business manager of E.H. Carruthers Co., Warrenton, has been a member of the Oregon House of Representatives since 1977. He represents District 2, which takes in Clatsop and portions of Columbia and Washington counties.

A former FBI agent, he received his undergraduate education at Universities of Wyoming and Colorado and a law degree from the University of Notre Dame.

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