

House Bill 2371

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that evidence of test administered, or observation made, by police officer as part of drug recognition evaluation is admissible in judicial or administrative proceeding if certain conditions are met.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to drug recognition evaluations; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2015 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 2. (1) The Department of State Police by rule shall establish the tests and observations required for drug recognition evaluations that are used for the purpose of determining whether a person is under the influence of intoxicants.

(2) In any judicial or administrative proceeding in which a person is alleged to have driven a vehicle while under the influence of intoxicants, evidence of a test administered, or observation made, by a police officer as part of a drug recognition evaluation is admissible if:

(a) The police officer who administered the test or made the observation was properly qualified;

(b) The test was administered or the observation was made in the manner prescribed by rule under subsection (1) of this section; and

(c) The results of the test or observation were recorded accurately.

(3) Evidence of a test administered, or observation made, by a police officer as part of a drug recognition evaluation is admissible under subsection (2) of this section without regard to whether the police officer administered all tests and made all observations required for a drug recognition evaluation.

SECTION 3. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.