



**State:**

Oregon

**Statute/Law:**

§ 813.010 — *Driving Under the Influence of Intoxicants.*

**Per Se Law?:**

No

**Statute/Law Language:**

(1) A person commits the offense of driving while under the influence of intoxicants if the person drives a vehicle while the person:

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

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

(c) Is under the influence of any combination of intoxicating liquor, an inhalant and a controlled substance.

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

**Penalties Following Conviction:**

For first offense: 48 hours-1 year imprisonment or community service as directed by the court along with \$1,000-\$6250 fine;

For second offense: 48 hours-1 year imprisonment or community service as directed by the court along with \$1,500-\$6250 fine;

For third offense or subsequent offense: 48 hours-1 year imprisonment or community service as directed by the court along with \$2,000-\$6250 fine;

For fourth offense (FELONY DUI): 5 years and up to \$125,000 in fines.





**Discretionary Court-Ordered Penalties:**

Section 813.020: The court may order mandatory sentences to be served in a jail, a minimum-security facility, or inpatient rehabilitation or treatment center. The court may also order home detention, community service in lieu of incarceration, restitution directly to the victim, and must impose various fees and assessments and must require defendants to complete a treatment program for drug dependency. When a person is convicted of driving while under the influence of intoxicants a court shall comply with the following in addition to any fine or other penalty imposed upon the person.

(1) The court shall require the person to:

(a) Pay to the court the fee described under ORS 813.030 in addition to any fine imposed under ORS 813.010; and

(b) Complete a screening interview and a treatment program as provided in ORS 813.021.

(2) The court must impose and not suspend execution of a sentence requiring the person either to serve at least 48 hours imprisonment, which shall be served consecutively unless justice requires otherwise, or to perform community service for times specified by the court under ORS 137.129.

(3) In a county that has a victim impact program a court may require the person to attend a victim impact treatment session.

**For more information:**

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors813.html](https://www.oregonlegislature.gov/bills_laws/ors/ors813.html)

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