

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	9 - 0 - 1
Yeas:	Garrett, Hicks, Nolan, Olson, Schaufler, Tomei, Whisnant, Barker, Krieger
Nays:	0
Exc.:	Wand
Prepared By:	Aaron Knott, Counsel
Meeting Dates:	5/23

WHAT THE MEASURE DOES: Modifies the penalty for the traffic offense of careless driving if the commission of the offense appears to have contributed to the serious injury or death of a vulnerable user of a public way. Requires a police officer to indicate on a citation for driving while suspended or revoked if the offense contributed to the serious injury or death of a vulnerable user of a public way. Requires the imposition of a specific sentence for violation.

ISSUES DISCUSSED:

- Definition of a vulnerable user
- Practical and prosecutorial significance of carelessness as a threshold mental state for a finding of guilt

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Senate Bill 415 A modifies the penalty for the traffic offense of careless driving if the commission of the offense appears to have contributed to the serious injury or death of a vulnerable user of a public way. ORS 811.135 requires the court to impose a sentence that requires the person to complete a traffic safety course, perform between 100 and 200 hours of community service including activities related to driver improvement and traffic safety, impose and suspend a fine of up to \$12,500 and give the violator a year to complete the conditions imposed, though an extension may be granted on a finding of good cause. Police officers must affirmatively note that the violation contributed to the serious injury or death of a vulnerable person on the citation. ORS 811.135 requires an officer to make a finding that the violation contributed to the serious injury or death of the vulnerable person at the time of citation. Senate Bill 415 A requires an officer to note that the violation appeared to contribute to the serious injury or death of the vulnerable person. This modification removes the requirement that the officer make a final determination as to whether a person was both a vulnerable victim and seriously injured at the time of the issuance of the citation when all investigation may not have been completed and errors about the severity of a victim's injury are easily made.

ORS 801.608 defines "vulnerable user of a public way" to include pedestrians (the term "pedestrian" includes persons confined to wheelchairs), highway workers, animal riders, bicyclists, skaters, and operators of farm equipment.