DUII Diversion Form 3

PETITIONER SWORN STATEMENT OF ELIGIBILITY

(This sworn statement must be filed with DUII diversion forms 1, 2, and 4)

(To be filled in by petitioner, please print or type:)

_____	_____	_____
Court Name	Court Location	Court Case Number

By signing this document, I swear that I am eligible to participate in a driving under the influence of intoxicants (DUII) diversion program in the case described above, and that all of the following are true:

1. I have never been convicted of a felony DUII offense in Oregon or any other place.

2. On the date I sign the attached petition for a DUII diversion agreement:
    a. There is no charge pending against me in Oregon or any other place, except for the DUII charge in this case, for an offense involving operation of a vehicle while:
        - under the influence of alcohol, a controlled substance, an inhalant, or any combination of the three; or
        - having a blood alcohol content above the allowable blood alcohol content;
    b. I am not participating in a DUII diversion program or any similar alcohol or drug rehabilitation program in Oregon or any other place except a program I may have entered as a result of the charge for the present offense of DUII, a charge for minor in possession of alcohol under ORS 471.430, or a charge for possession of less than one ounce of marijuana under ORS 475.864(3); and
    c. There is no charge of an offense pending against me in Oregon or any other place for any degree of aggravated vehicular homicide, murder, manslaughter, criminally negligent homicide, or assault that resulted from the operation of a motor vehicle.

3. During the fifteen (15) years before the date of the presently alleged DUII offense and during the time between the presently alleged DUII offense and the date I sign the attached petition:
    a. I have not been convicted in Oregon or any other place for an offense involving the operation of a vehicle while:
        - under the influence of alcohol, a controlled substance, an inhalant, or any combination of the three; or
        - having a blood alcohol content above the allowable blood alcohol content;
    b. I have not participated in a DUII diversion program or any similar alcohol or drug rehabilitation program in Oregon or any other place except a program I may have entered as a result of a charge for minor in possession of alcohol under ORS 471.430 or a charge for possession of less than one ounce of marijuana under ORS 475.864(3);
    c. I have not been convicted, in Oregon or any other place, on any charge of an offense in any degree for aggravated vehicular homicide, murder, manslaughter, criminally negligent homicide, or assault that resulted from the operation of a motor vehicle; and
    d. If this is my second or subsequent diversion, I have not been convicted of any criminal offenses involving a motor vehicle.

4. The DUII offense described in the attached petition for which I am charged did not involve any deaths or any physical injury to any other person ("physical injury" means impairment of physical condition or substantial pain—ORS 161.015).

5. At the time of the alleged offense, I did not have a commercial driver's license.

6. At the time of the alleged offense, I was not operating a commercial motor vehicle.

_____	_____	_____
Petitioner's Signature	Petitioner's Name (typed or printed)	Today's Date

Subscribed and sworn before me this _____ day of _____, 20_____.

_____
Notary Public for Oregon / Court Clerk / Circuit Court Judge

My commission expires _____.