



DRIVING UNDER THE INFLUENCE OF INTOXICANTS (DUII) DIVERSION PROGRAM

Information for the Diversion Program

The following information has been compiled to assist you in completing your Diversion successfully.

Diversion lasts for 1 year and has 8 basic requirements. You must:

1. Call your assigned ADSS provider and schedule and complete an ADSS Orientation. Orientation is done over the phone. The assigned ADSS provider and their contact information can be found on the form titled *Order Re: DUII Diversion* that is given to you in court the day you enter diversion.
Pay the program fee of \$45.00 and complete a victim impact panel approved by the court within 60 days of entering diversion. Yamhill County's Victim Impact Panel is held by video. Arrange viewing with the assigned ADSS on the *Order Re: DUII Diversion* form received in court.
2. Undergo an ADSS screening to determine the appropriate level of treatment. The screening will be scheduled at orientation and will occur no later than 60 days from your diversion approval.
3. Pay the ADSS Screening Fee of \$150.00. If you reschedule later than 24 hours prior to your appointment, or do not show up, there is a \$40.00 rescheduling fee. If you are required to install an IID, pay \$100.00 for one year of Ignition Interlock Device monitoring, and \$9.00 per month thereafter. This fee is to ensure compliance with the court's order requiring an IID be installed in any vehicle driven by a defendant.
4. Pay court fees listed in the Summary of DUII Diversion Fees, Form 6, including any previously ordered Contribution Amount and Court-appointed Attorney fees as ordered in the *Order Re: DUII Diversion*.
5. Enter into and complete the appropriate level of treatment (Referred at your evaluation appointment).
6. Not use ANY intoxicants – alcohol, marijuana, or *any* illegal controlled substance -- during the diversion period. Exceptions: sacramental wine given or provided as part of a religious rite or service; alcohol or a controlled substance taken as directed pursuant to a valid prescription; a non-prescription drug that contains alcohol so long as taken in accordance with the directions for use that are printed on the label.
7. You must also comply fully with the laws of this state designed to discourage the use of intoxicants. You must not operate a vehicle with an open container of an alcoholic beverage.
8. You must have an approved ignition interlock device installed in all vehicles you operate during the term of the diversion agreement when you have driving privileges except an employer's vehicle operated during the scope and course of your employment. The court, based on an application obtained from DMV and filed with the court, may find you medically exempt if you meet the requirements for that exemption as established by DMV.

Should you find yourself nearing your one-year mark and all the requirements are not completed, you can ask for an extension of up to 6 months. The motion for an extension must be filed during the last month of your one-year diversion. Only one extension can be granted. The extension will be denied if you cannot show that you have made a good faith effort to complete the program within 12 months and that you will be able to complete it in the additional 6 months or less. The court has NO AUTHORITY to extend the diversion if you do not file a request for extension before the initial 12-month period ends. It will not be sufficient if you have completed treatment, but not paid all fees. Extension application forms are available at the Court Clerk's office, room 135 of the courthouse or online: www.ojd.state.or.us/yamhill. If you file a motion for an extension, you must serve a copy on the District Attorney.

If you fail to complete the diversion program successfully, the conviction for DUII will be entered against you and you will be sentenced. A first DUII conviction carries a mandatory minimum \$1000 (\$2,000 if BA .15 or higher) fine plus other fees, a 1-year license suspension, jail, probation supervision and other significant consequences.

Upon completion of your one-year diversion period, if all the terms of diversion have been successfully completed, you may file a motion to have the charge dismissed. If you do not file a motion, the court *may* dismiss the matter on its own, but to assure dismissal, you should file a motion. Forms are available through the Court or online.

**The court provides each diversion candidate one year to complete ALL of the requirements.
Time is of the essence.
PLEASE BEGIN THE PROCESS IMMEDIATELY.**

SUMMARY OF DUII DIVERSION FEES

You are required to pay the fees listed below to participate in a DUII diversion program

Section 1: Payment to the Court

A. Court Fees

The court may waive all or part of these fees if it finds that you are low-income. The court may also allow you to pay in installments over time.

- \$490 filing fee
- Court-appointed attorney fees

B. Restitution

The court may order restitution in cases where a victim suffered economic damages. After the end of the diversion period, you must continue making payments if you have not paid the full amount of restitution. The court cannot terminate a diversion agreement for failure to pay restitution if you have otherwise complied with and performed all of the conditions of the diversion agreement.

Section 2: Other Fees

C. Alcohol and drug abuse assessment and treatment

- You must pay \$150 directly to the agency or organization doing the assessment
- You must pay for any treatment recommended by the assessment. The cost of treatment varies. You must pay treatment costs directly to the agency or organization providing the treatment. If you are unable to pay, the provider may allow payment in installments over time.

D. Victim Impact Panel

The court may order you to attend a Victim Impact Panel. The participation fee for the panel may vary by county. Yamhill County has a \$45 participation fee. You must pay this fee directly to the panel coordinator on the day of the panel.

E. Ignition Interlock Device

The court may order you to install and use an approved ignition interlock device in any vehicle you operate during the term of the diversion agreement when you have driving privileges. You must pay the cost of installing, leasing, and maintaining the device to the provider of the device. The Department of Transportation may waive or defer (postpone) all or part of these fees if the Department finds you are low-income. The Department may also allow payment to be made in installments over time.

If an Ignition Interlock Device is required, you must pay \$100.00 to the assigned ADSS provider for one year of Ignition Interlock Device monitoring, and \$9.00 per month thereafter. This fee is to ensure compliance with the court's order requiring an IID be installed in any vehicle driven by a defendant.