

IN THE MUNICIPAL COURT OF THE CITY OF HERMISTON
COUNTY OF UMATILLA, OREGON

State of Oregon

Case No: _____

v.

ORDER RE: DUII DIVERSION

Defendant

Driver License: _____ DOB: _____

The alleged DUII occurred on (date) _____

Based on Defendant's *DUII Diversion Petition and Agreement*, **THE COURT ORDERS:**

The petition for diversion is

Denied

Allowed. The court withholds entry of a judgment of conviction pending completion or termination of the diversion agreement and orders that:

1) Defendant is ordered to comply with all terms in the *Petition and Agreement*

Assessment Evaluator information: _____

2) The diversion period is 1 year beginning (date) _____ and ending (date) _____

Defendant must file a motion to dismiss after the diversion period ends in order for the court to dismiss the charge (if this option is not checked the defendant does not need to file a motion to dismiss)

3) Defendant must pay a fee of **\$490.00** to the court for the diversion as required by statute unless waived or deferred. Payment is due **immediately** or **per payment schedule:**

\$ _____ / month due by the 15th day of each month beginning _____

other: _____

4) Defendant must attend a victim impact panel approved by this court

and must pay a participation fee to that program **Victim Impact Panel Date:** _____

5) Defendant must pay court-appointed attorney fees

in an amount of \$ _____ on a schedule determined by the court. The court finds that the defendant has the ability to pay court-appointed attorney fees.

as ordered in a separate limited judgment or order

6) Defendant is ordered to install and use an **ignition interlock device (IID)** in any vehicle operated by the Defendant during the period of the agreement when the Defendant has driving privileges* because:

Defendant's BAC was .08% or more as shown by chemical analysis of breath or

blood Defendant refused to submit to a breath or blood test

Chemical analysis of breath or blood shows that Defendant's BAC was more than 0.0% and less than .08% AND the presence of cannabis, a controlled substance, or an inhalant

Defendant need not install an IID because Defendant:

*if Defendant is required to operate an employer-owned motor vehicle, an IID need not be installed if Defendant notifies employer of the IID requirement and has written proof of the notification

- meets the requirements for medical exemption under Oregon Department of Transportation rules and is exempt from the IID requirement
- submitted to a blood, breath, or urine test that showed no cannabis, inhalants, or controlled substances, and a BAC below 0.08%

Defendant is ordered to install and use an IID because the court finds it is appropriate despite chemical analysis of breath or blood showing a BAC below .08% (*discretionary*)

7) Defendant must be booked and fingerprinted

8) Restitution/Other: _____

Judge Signature:

**if Defendant is required to operate an employer-owned motor vehicle, an IID need not be installed if Defendant notifies employer of the IID requirement and has written proof of the notification*