

**IN THE MUNICIPAL COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS
CITY OF GLADSTONE**

State of Oregon

Case No: _____

v.

ORDER RE: DUII DIVERSION

Defendant

DL: _____ 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 _____ 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 the program **Victim Impact Panel Date:** _____
- 5.) Defendant must pay court-appointed attorney fees
 in 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:
 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%

**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*

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

Date

**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*