

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____
CITY OF _____

State of Oregon

Case No: _____

v.

**DEFENDANT'S DECLARATION OF
ELIGIBILITY**

Defendant

DUII Diversion

I am eligible to participate in a driving under the influence of intoxicants (DUII) diversion program because:

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. Except for the DUII charge in this case, there is no charge pending against me in Oregon or any other place for an offense involving operation of a vehicle while:
 - under the influence of intoxicants, 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 DUII charge in this case
 - a charge for minor in possession of alcohol under ORS 471.430, or
 - as ordered by a juvenile court under ORS chapter 419B or 419C
 - 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 alleged DUII offense in this case and from the time between the 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 intoxicants, 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 as ordered by a juvenile court under ORS chapter 419B or 419C
 - 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 did not involve any deaths or any physical injury to any other person (*“physical injury” means impairment of physical condition or substantial pain*)
5. At the time of the alleged offense, I did not have commercial driving privileges
6. At the time of the alleged offense, I was not operating a commercial motor vehicle

I hereby declare that the above statement is true to the best of my knowledge and belief. I understand it is made for use as evidence in court and I am subject to penalty for perjury.

Defendant’s Signature

Defendant’s Name (printed)

Date

NOTE: this declaration must be completed by Defendant and filed with DUII diversion *Petition and Agreement (with attached Explanation of Rights and DUII Diversion Agreement)*, *Order re: DUII Diversion, Petition to Plead Guilty or No Contest*, and *Order on Petition to Plead Guilty or No Contest*