
SUBSTITUTE HOUSE BILL 1340

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Pearson, Moeller, O'Brien, Lovick and Upthegrove)

READ FIRST TIME 02/22/07.

1 AN ACT Relating to standardized chemical dependency assessment
2 protocols; adding a new section to chapter 46.61 RCW; and adding a new
3 section to chapter 70.96A RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61 RCW
6 to read as follows:

7 A person who has been charged with a violation of RCW 46.61.502 or
8 46.61.504 is required to undergo an alcohol and drug assessment
9 prepared by an alcoholism agency approved by the department of social
10 and health services or a qualified probation department approved by the
11 department of social and health services. The assessment shall be
12 performed in accordance with section 2 of this act.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.96A RCW
14 to read as follows:

15 (1) This section applies to alcohol and drug assessments conducted
16 on persons charged with a violation of RCW 46.61.502 or 46.61.504,
17 including persons charged with a violation of those provisions who are
18 petitioning for a deferred prosecution under RCW 10.05.020. All such

1 alcohol and drug assessments shall be performed in accordance with this
2 section. If the person is convicted or petitions for a deferred
3 prosecution, the assessment obtained under this section may, at the
4 court's discretion, be used to satisfy the requirements for evaluations
5 and assessments under RCW 46.61.5056 and 10.05.020.

6 (2) Every assessment shall be conducted by a chemical dependency
7 professional certified by the department of health under chapter 18.205
8 RCW, by a chemical dependency professional trainee who is directly
9 supervised by a supervisor approved under department of health rules,
10 or by a probation assessment officer qualified under department of
11 social and health services rules pursuant to RCW 46.61.516.

12 (3) An evaluation shall be made of a copy of the analysis of the
13 client's blood alcohol level and other drug levels at the time of
14 arrest, if available, and the client's self-reported driving record and
15 a copy of the client's abstract of driving record. The evaluation must
16 include a statement regarding the blood alcohol level and the client's
17 self-reported driving record, and a clinical interpretative statement
18 about the abstract of driving record that includes a fifteen-year
19 history of all alcohol-related convictions and related offenses reduced
20 to lesser offenses, and deferred prosecutions, and how they relate to
21 the assessment and diagnosis.

22 (4) Within five days of a request by the certified chemical
23 dependency professional or trainee conducting an assessment, the court
24 shall provide the professional or trainee with a copy of the client's
25 defendant case history. If the court does not provide the history, the
26 certified chemical dependency professional or trainee shall obtain a
27 release of information from the client to receive a summation of the
28 client's defendant case history using the judicial information system.
29 If the client's defendant case history is not obtained, the
30 circumstances that prevented obtaining the history shall be described
31 in the assessment.

32 (5) A copy of the police report shall be obtained in cases where
33 the blood or breath alcohol concentration test was refused. If the
34 police report was not reviewed in cases of refusal, circumstances
35 preventing such efforts shall be included in the assessment.

36 (6) A drug screen shall be obtained in accordance with rules
37 adopted by the department. Results are to be assessed and included in

1 the written assessment and recommendations. If a request for drug
2 screen is refused, circumstances surrounding the refusal shall be
3 described in the assessment.

4 (7) The department shall adopt rules to implement this section.

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