

HOUSE BILL REPORT

HB 1408

As Reported by House Committee On:
Judiciary

Title: An act relating to victim impact panels.

Brief Description: Establishing minimum standards for victim impact panels.

Sponsors: Representatives Morrell, Hudgins, Upthegrove, Rolfes, Goodman, Pedersen, Green, Roberts, O'Brien, Dickerson, Cody, Takko, Moeller, Kenney, Kelley and Nelson.

Brief History:

Committee Activity:

Judiciary: 2/5/09, 2/12/09 [DPS].

Brief Summary of Substitute Bill

- Requires courts to develop and maintain a registry of qualified DUI victim impact panels.
- Establishes minimum standards that DUI victim impact panels must meet to be listed on the court's registry.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan, Kelley, Kirby, Ormsby, Roberts, Ross and Warnick.

Staff: Trudes Tango (786-7384)

Background:

A person convicted of driving under the influence of intoxicating liquor or any drug (DUI) is subject to monetary penalties, mandatory jail time, and the suspension of the person's driver's license. In addition to these penalties, a person convicted of DUI or granted a deferred prosecution on a DUI charge may be ordered to attend a victim impact panel that focuses on "the emotional, physical, and financial suffering of victims injured by persons convicted of

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DUI." A person charged with DUI may petition for a deferred prosecution on the grounds that the alcoholism or drug addiction caused the criminal violation.

There is nothing in statute that requires victim impact panels to be conducted by certain entities or organizations. Some courts, such as King County District Court, have adopted minimum standards for victim impact panels.

Summary of Substitute Bill:

Each court administration or the equivalent must develop and maintain a registry of qualified DUI victim impact panels. Municipal, district, and superior courts may coordinate their efforts to develop a registry for their judicial district. Courts requiring DUI offenders to attend victim impact panels as part of their sentence must refer the offender to a panel listed in the registry.

To be listed on a court's registry, the panel must, at a minimum:

1. address the effects of impaired driving and address alternatives to drinking and/or drugged driving;
2. have at least two different speakers (who are victims of DUI crashes and who were not the proximate cause of the crash) to present their stories in person and provide at least 60 minutes of victim panel presentation, not including registration and administration time;
3. have policies and procedure to recruit, screen, train, and provide feedback and ongoing support to the panelists, and must take reasonable steps to verify the authenticity of the panelists' stories;
4. charge a reasonable fee to all persons required to attend, unless otherwise ordered by the court;
5. have a no-admittance policy for anyone under the influence of alcohol or drugs or anyone whose behavior is otherwise inappropriate;
6. maintain attendance records for at least five years;
7. make reasonable efforts to use a facility that meets standards established by the Americans with Disabilities Act;
8. provide referral information to other community services; and
9. designate a facilitator responsible for compliance with the minimum standards, for maintaining records, and communication with courts and probationary departments regarding attendance.

Any person who reasonably believes a panel has failed to meet the minimum standards may submit a written report to the court. The court may establish a process to review complaints, conduct disciplinary procedures, and remove a panel from its registry.

Substitute Bill Compared to Original Bill:

The substitute bill: (1) adds the requirement that the panel speakers not be victims who were the proximate cause of the DUI crash; (2) requires the presentation to be at least 60 minutes, not including registration time; (3) references impaired driving, rather than drunk driving,

and includes drugged driving; and (4) requires the panel to have a facilitator responsible for compliance with, rather than enforcement of, the minimum standards.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Judges and police have complained that some victim impact panels are "mills" that do not really effectively convey to drunk drivers the real impact of DUI. Statewide standards for victim impact panels need to be codified so that panels are consistent and provide quality presentations. Some panels just show a movie and do not have live speakers. Offenders need to be made aware that victims and their families are impacted forever. A coalition of victim impact panels has established its own guidelines and has created a list of panels that follow those guidelines. Some courts already rely on that list.

(In support with amendments) The existing coalition of victim impact panels should be the "guiding light" for all panels. Any new panels should have to submit an application to the coalition. Courts do not have time to do what the coalition already does.

(Opposed) None.

Persons Testifying: Representative Morrell, prime sponsor; Kevin Ringus, District and Municipal Court Judges Association; and Berry Conant and Sharon Reynon, Tacoma and Pierce County DUI Victims Impact Panel.

(In support with amendments) Marilyn Clapper, Washington State Coalition of Victim Panels.

Persons Signed In To Testify But Not Testifying: None.