

2 **ESB 6257** - H COMM AMD
3 By Committee on Law & Justice

4 ADOPTED AS AMENDED 3/5/98

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 46.20.308 and 1995 c 332 s 1 are each amended to read
8 as follows:

9 (1) Any person who operates a motor vehicle within this state is
10 deemed to have given consent, subject to the provisions of RCW
11 46.61.506, to a test or tests of his or her breath or blood for the
12 purpose of determining the alcohol concentration or presence of any
13 drug in his or her breath or blood if arrested for any offense where,
14 at the time of the arrest, the arresting officer has reasonable grounds
15 to believe the person had been driving or was in actual physical
16 control of a motor vehicle while under the influence of intoxicating
17 liquor or any drug or was in violation of RCW 46.61.503.

18 (2) The test or tests of breath shall be administered at the
19 direction of a law enforcement officer having reasonable grounds to
20 believe the person to have been driving or in actual physical control
21 of a motor vehicle within this state while under the influence of
22 intoxicating liquor or the person to have been driving or in actual
23 physical control of a motor vehicle while having alcohol in a
24 concentration (~~(of 0.02 or more)~~) in violation of RCW 46.61.503 in his
25 or her system and being under the age of twenty-one. However, in those
26 instances where the person is incapable due to physical injury,
27 physical incapacity, or other physical limitation, of providing a
28 breath sample or where the person is being treated in a hospital,
29 clinic, doctor's office, emergency medical vehicle, ambulance, or other
30 similar facility in which a breath testing instrument is not present or
31 where the officer has reasonable grounds to believe that the person is
32 under the influence of a drug, a blood test shall be administered by a
33 qualified person as provided in RCW 46.61.506(4). The officer shall
34 inform the person of his or her right to refuse the breath or blood
35 test, and of his or her right to have additional tests administered by

1 any qualified person of his or her choosing as provided in RCW
2 46.61.506. The officer shall warn the driver that:

3 (a) His or her license, permit, or privilege to drive will be
4 revoked or denied if he or she refuses to submit to the test;

5 (b) His or her license, permit, or privilege to drive will be
6 suspended, revoked, denied, or placed in probationary status if the
7 test is administered and the test indicates the alcohol concentration
8 of the person's breath or blood is ~~((0.10))~~ 0.08 or more, in the case
9 of a person age twenty-one or over, or ~~((0.02 or more))~~ in violation of
10 RCW 46.61.502, 46.61.503, or 46.61.504 in the case of a person under
11 age twenty-one; and

12 (c) His or her refusal to take the test may be used in a criminal
13 trial.

14 (3) Except as provided in this section, the test administered shall
15 be of the breath only. If an individual is unconscious or is under
16 arrest for the crime of vehicular homicide as provided in RCW 46.61.520
17 or vehicular assault as provided in RCW 46.61.522, or if an individual
18 is under arrest for the crime of driving while under the influence of
19 intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest
20 results from an accident in which there has been serious bodily injury
21 to another person, a breath or blood test may be administered without
22 the consent of the individual so arrested.

23 (4) Any person who is dead, unconscious, or who is otherwise in a
24 condition rendering him or her incapable of refusal, shall be deemed
25 not to have withdrawn the consent provided by subsection (1) of this
26 section and the test or tests may be administered, subject to the
27 provisions of RCW 46.61.506, and the person shall be deemed to have
28 received the warnings required under subsection (2) of this section.

29 (5) If, following his or her arrest and receipt of warnings under
30 subsection (2) of this section, the person arrested refuses upon the
31 request of a law enforcement officer to submit to a test or tests of
32 his or her breath or blood, no test shall be given except as authorized
33 under subsection (3) or (4) of this section.

34 (6) If, after arrest and after the other applicable conditions and
35 requirements of this section have been satisfied, a test or tests of
36 the person's blood or breath is administered and the test results
37 indicate that the alcohol concentration of the person's breath or blood
38 is ~~((0.10))~~ 0.08 or more if the person is age twenty-one or over, or is
39 ~~((0.02 or more))~~ in violation of RCW 46.61.502, 46.61.503, or 46.61.504

1 if the person is under the age of twenty-one, or the person refuses to
2 submit to a test, the arresting officer or other law enforcement
3 officer at whose direction any test has been given, or the department,
4 where applicable, if the arrest results in a test of the person's
5 blood, shall:

6 (a) Serve notice in writing on the person on behalf of the
7 department of its intention to suspend, revoke, deny, or place in
8 probationary status the person's license, permit, or privilege to drive
9 as required by subsection (7) of this section;

10 (b) Serve notice in writing on the person on behalf of the
11 department of his or her right to a hearing, specifying the steps he or
12 she must take to obtain a hearing as provided by subsection (8) of this
13 section;

14 (c) Mark the person's Washington state driver's license or permit
15 to drive, if any, in a manner authorized by the department;

16 (d) Serve notice in writing that the marked license or permit, if
17 any, is a temporary license that is valid for sixty days from the date
18 of arrest or from the date notice has been given in the event notice is
19 given by the department following a blood test, or until the
20 suspension, revocation, or denial of the person's license, permit, or
21 privilege to drive is sustained at a hearing pursuant to subsection (8)
22 of this section, whichever occurs first. No temporary license is valid
23 to any greater degree than the license or permit that it replaces; and

24 (e) Immediately notify the department of the arrest and transmit to
25 the department within seventy-two hours, except as delayed as the
26 result of a blood test, a sworn report or report under a declaration
27 authorized by RCW A.72.085 that states:

28 (i) That the officer had reasonable grounds to believe the arrested
29 person had been driving or was in actual physical control of a motor
30 vehicle within this state while under the influence of intoxicating
31 liquor or drugs, or both, or was under the age of twenty-one years and
32 had been driving or was in actual physical control of a motor vehicle
33 while having an alcohol concentration (~~(of 0.02 or more)~~) in violation
34 of RCW 46.61.503;

35 (ii) That after receipt of the warnings required by subsection (2)
36 of this section the person refused to submit to a test of his or her
37 blood or breath, or a test was administered and the results indicated
38 that the alcohol concentration of the person's breath or blood was
39 (~~(0.10)~~) 0.08 or more if the person is age twenty-one or over, or was

1 (~~0.02 or more~~) in violation of RCW 46.61.502, 46.61.503, or 46.61.504
2 if the person is under the age of twenty-one; and
3 (iii) Any other information that the director may require by rule.
4 (7) The department of licensing, upon the receipt of a sworn report
5 or report under a declaration authorized by RCW A.72.085 under
6 subsection (6)(e) of this section, shall suspend, revoke, deny, or
7 place in probationary status the person's license, permit, or privilege
8 to drive or any nonresident operating privilege, as provided in RCW
9 46.20.3101, such suspension, revocation, denial, or placement in
10 probationary status to be effective beginning sixty days from the date
11 of arrest or from the date notice has been given in the event notice is
12 given by the department following a blood test, or when sustained at a
13 hearing pursuant to subsection (8) of this section, whichever occurs
14 first.
15 (8) A person receiving notification under subsection (6)(b) of this
16 section may, within thirty days after the notice has been given,
17 request in writing a formal hearing before the department. The person
18 shall pay a fee of one hundred dollars as part of the request. If the
19 request is mailed, it must be postmarked within thirty days after
20 receipt of the notification. Upon timely receipt of such a request for
21 a formal hearing, including receipt of the required one hundred dollar
22 fee, the department shall afford the person an opportunity for a
23 hearing. Except as otherwise provided in this section, the hearing is
24 subject to and shall be scheduled and conducted in accordance with RCW
25 46.20.329 and 46.20.332. The hearing shall be conducted in the county
26 of the arrest, except that all or part of the hearing may, at the
27 discretion of the department, be conducted by telephone or other
28 electronic means. The hearing shall be held within sixty days
29 following the arrest or following the date notice has been given in the
30 event notice is given by the department following a blood test, unless
31 otherwise agreed to by the department and the person, in which case the
32 action by the department shall be stayed, and any valid temporary
33 license marked under subsection (6)(c) of this section extended, if the
34 person is otherwise eligible for licensing. For the purposes of this
35 section, the scope of the hearing shall cover the issues of whether a
36 law enforcement officer had reasonable grounds to believe the person
37 had been driving or was in actual physical control of a motor vehicle
38 within this state while under the influence of intoxicating liquor or
39 any drug or had been driving or was in actual physical control of a

1 motor vehicle within this state while having alcohol in his or her
2 system in a concentration (~~(of 0.02 or more)~~) in violation of RCW
3 46.61.503 and was under the age of twenty-one, whether the person was
4 placed under arrest, and (a) whether the person refused to submit to
5 the test or tests upon request of the officer after having been
6 informed that such refusal would result in the revocation of the
7 person's license, permit, or privilege to drive, or (b) if a test or
8 tests were administered, whether the applicable requirements of this
9 section were satisfied before the administration of the test or tests,
10 whether the person submitted to the test or tests, or whether a test
11 was administered without express consent as permitted under this
12 section, and whether the test or tests indicated that the alcohol
13 concentration of the person's breath or blood was (~~(0.10)~~) 0.08 or more
14 if the person was age twenty-one or over at the time of the arrest, or
15 was (~~(0.02 or more)~~) in violation of RCW 46.61.502, 46.61.503, or
16 46.61.504 if the person was under the age of twenty-one at the time of
17 the arrest. The sworn report or report under a declaration authorized
18 by RCW A.72.085 submitted by a law enforcement officer is prima facie
19 evidence that the officer had reasonable grounds to believe the person
20 had been driving or was in actual physical control of a motor vehicle
21 within this state while under the influence of intoxicating liquor or
22 drugs, or both, or the person had been driving or was in actual
23 physical control of a motor vehicle within this state while having
24 alcohol in his or her system in a concentration (~~(of 0.02 or more)~~) in
25 violation of RCW 46.61.503 and was under the age of twenty-one and that
26 the officer complied with the requirements of this section.

27 A hearing officer shall conduct the hearing, may issue subpoenas
28 for the attendance of witnesses and the production of documents, and
29 shall administer oaths to witnesses. The hearing officer shall not
30 issue a subpoena for the attendance of a witness at the request of the
31 person unless the request is accompanied by the fee required by RCW
32 5.56.010 for a witness in district court. The sworn report or report
33 under a declaration authorized by RCW 9A.72.085 of the law enforcement
34 officer and any other evidence accompanying the report shall be
35 admissible without further evidentiary foundation and the
36 certifications authorized by the criminal rules for courts of limited
37 jurisdiction shall be admissible without further evidentiary
38 foundation. The person may be represented by counsel, may question
39 witnesses, may present evidence, and may testify. The department shall

1 order that the suspension, revocation, denial, or placement in
2 probationary status either be rescinded or sustained.

3 (9) If the suspension, revocation, denial, or placement in
4 probationary status is sustained after such a hearing, the person whose
5 license, privilege, or permit is suspended, revoked, denied, or placed
6 in probationary status has the right to file a petition in the superior
7 court of the county of arrest to review the final order of revocation
8 by the department in the same manner as an appeal from a decision of a
9 court of limited jurisdiction. The appellant must pay the costs
10 associated with obtaining the record of the hearing before the hearing
11 officer. The filing of the appeal does not stay the effective date of
12 the suspension, revocation, denial, or placement in probationary
13 status. A petition filed under this subsection must include the
14 petitioner's grounds for requesting review. Upon granting petitioner's
15 request for review, the court shall review the department's final order
16 of suspension, revocation, denial, or placement in probationary status
17 as expeditiously as possible. If judicial relief is sought for a stay
18 or other temporary remedy from the department's action, the court shall
19 not grant such relief unless the court finds that the appellant is
20 likely to prevail in the appeal and that without a stay the appellant
21 will suffer irreparable injury. If the court stays the suspension,
22 revocation, denial, or placement in probationary status it may impose
23 conditions on such stay.

24 (10) If a person whose driver's license, permit, or privilege to
25 drive has been or will be suspended, revoked, denied, or placed in
26 probationary status under subsection (7) of this section, other than as
27 a result of a breath test refusal, and who has not committed an offense
28 within the last five years for which he or she was granted a deferred
29 prosecution under chapter 10.05 RCW, petitions a court for a deferred
30 prosecution on criminal charges arising out of the arrest for which
31 action has been or will be taken under subsection (7) of this section,
32 the court may direct the department to stay any actual or proposed
33 suspension, revocation, denial, or placement in probationary status for
34 at least forty-five days but not more than ninety days. If the court
35 stays the suspension, revocation, denial, or placement in probationary
36 status, it may impose conditions on such stay. If the person is
37 otherwise eligible for licensing, the department shall issue a
38 temporary license, or extend any valid temporary license marked under
39 subsection (6) of this section, for the period of the stay. If a

1 deferred prosecution treatment plan is not recommended in the report
2 made under RCW 10.05.050, or if treatment is rejected by the court, or
3 if the person declines to accept an offered treatment plan, or if the
4 person violates any condition imposed by the court, then the court
5 shall immediately direct the department to cancel the stay and any
6 temporary marked license or extension of a temporary license issued
7 under this subsection.

8 A suspension, revocation, or denial imposed under this section,
9 other than as a result of a breath test refusal, shall be stayed if the
10 person is accepted for deferred prosecution as provided in chapter
11 10.05 RCW for the incident upon which the suspension, revocation, or
12 denial is based. If the deferred prosecution is terminated, the stay
13 shall be lifted and the suspension, revocation, or denial reinstated.
14 If the deferred prosecution is completed, the stay shall be lifted and
15 the suspension, revocation, or denial canceled.

16 (11) When it has been finally determined under the procedures of
17 this section that a nonresident's privilege to operate a motor vehicle
18 in this state has been suspended, revoked, or denied, the department
19 shall give information in writing of the action taken to the motor
20 vehicle administrator of the state of the person's residence and of any
21 state in which he or she has a license.

22 **Sec. 2.** RCW 46.20.3101 and 1995 c 332 s 3 are each amended to read
23 as follows:

24 Pursuant to RCW 46.20.308, the department shall suspend, revoke, or
25 deny the arrested person's license, permit, or privilege to drive as
26 follows:

27 (1) In the case of a person who has refused a test or tests:

28 (a) For a first refusal within five years, where there has not been
29 a previous incident within five years that resulted in administrative
30 action under this section, revocation or denial for one year;

31 (b) For a second or subsequent refusal within five years, or for a
32 first refusal where there has been one or more previous incidents
33 within five years that have resulted in administrative action under
34 this section, revocation or denial for two years or until the person
35 reaches age twenty-one, whichever is longer. A revocation imposed
36 under this subsection (1)(b) shall run consecutively to the period of
37 any suspension, revocation, or denial imposed pursuant to a criminal
38 conviction arising out of the same incident.

1 (2) In the case of an incident where a person has submitted to or
2 been administered a test or tests indicating that the alcohol
3 concentration of the person's breath or blood was (~~(0.10)~~) 0.08 or
4 more:

5 (a) For a first incident within five years, where there has not
6 been a previous incident within five years that resulted in
7 administrative action under this section, placement in probationary
8 status as provided in RCW 46.20.355;

9 (b) For a second or subsequent incident within five years,
10 revocation or denial for two years.

11 (3) In the case of an incident where a person under age twenty-one
12 has submitted to or been administered a test or tests indicating that
13 the alcohol concentration of the person's breath or blood was (~~(0.02 or~~
14 ~~more)~~) in violation of RCW 46.61.502, 46.61.503, or 46.61.504:

15 (a) For a first incident within five years, suspension or denial
16 for ninety days;

17 (b) For a second or subsequent incident within five years,
18 revocation or denial for one year or until the person reaches age
19 twenty-one, whichever is longer.

20 **Sec. 3.** RCW 46.61.502 and 1994 c 275 s 2 are each amended to read
21 as follows:

22 (1) A person is guilty of driving while under the influence of
23 intoxicating liquor or any drug if the person drives a vehicle within
24 this state:

25 (a) And the person has, within two hours after driving, an alcohol
26 concentration of (~~(0.10)~~) 0.08 or higher as shown by analysis of the
27 person's breath or blood made under RCW 46.61.506; or

28 (b) While the person is under the influence of or affected by
29 intoxicating liquor or any drug; or

30 (c) While the person is under the combined influence of or affected
31 by intoxicating liquor and any drug.

32 (2) The fact that a person charged with a violation of this section
33 is or has been entitled to use a drug under the laws of this state
34 shall not constitute a defense against a charge of violating this
35 section.

36 (3) It is an affirmative defense to a violation of subsection
37 (1)(a) of this section which the defendant must prove by a
38 preponderance of the evidence that the defendant consumed a sufficient

1 quantity of alcohol after the time of driving and before the
2 administration of an analysis of the person's breath or blood to cause
3 the defendant's alcohol concentration to be (~~(0.10)~~) 0.08 or more
4 within two hours after driving. The court shall not admit evidence of
5 this defense unless the defendant notifies the prosecution prior to the
6 omnibus or pretrial hearing in the case of the defendant's intent to
7 assert the affirmative defense.

8 (4) Analyses of blood or breath samples obtained more than two
9 hours after the alleged driving may be used as evidence that within two
10 hours of the alleged driving, a person had an alcohol concentration of
11 (~~(0.10)~~) 0.08 or more in violation of subsection (1)(a) of this
12 section, and in any case in which the analysis shows an alcohol
13 concentration above 0.00 may be used as evidence that a person was
14 under the influence of or affected by intoxicating liquor or any drug
15 in violation of subsection (1)(b) or (c) of this section.

16 (5) A violation of this section is a gross misdemeanor.

17 **Sec. 4.** RCW 46.61.503 and 1995 c 332 s 2 are each amended to read
18 as follows:

19 (1) Notwithstanding any other provision of this title, a person is
20 guilty of driving a motor vehicle after consuming alcohol if the person
21 operates a motor vehicle within this state and the person:

22 (a) Is under the age of twenty-one;

23 (b) Has, within two hours after operating the motor vehicle, an
24 alcohol concentration of (~~(0.02 or more)~~) at least 0.02 but less than
25 the concentration specified in RCW 46.61.502, as shown by analysis of
26 the person's breath or blood made under RCW 46.61.506.

27 (2) It is an affirmative defense to a violation of subsection (1)
28 of this section which the defendant must prove by a preponderance of
29 the evidence that the defendant consumed a sufficient quantity of
30 alcohol after the time of driving and before the administration of an
31 analysis of the person's breath or blood to cause the defendant's
32 alcohol concentration to be (~~(0.02 or more)~~) in violation of subsection
33 (1) of this section within two hours after driving. The court shall
34 not admit evidence of this defense unless the defendant notifies the
35 prosecution prior to the earlier of: (a) Seven days prior to trial; or
36 (b) the omnibus or pretrial hearing in the case of the defendant's
37 intent to assert the affirmative defense.

1 (3) Analyses of blood or breath samples obtained more than two
2 hours after the alleged driving may be used as evidence that within two
3 hours of the alleged driving, a person had an alcohol concentration
4 ((of ~~0.02 or more~~)) in violation of subsection (1) of this section.

5 (4) A violation of this section is a misdemeanor.

6 **Sec. 5.** RCW 46.61.504 and 1994 c 275 s 3 are each amended to read
7 as follows:

8 (1) A person is guilty of being in actual physical control of a
9 motor vehicle while under the influence of intoxicating liquor or any
10 drug if the person has actual physical control of a vehicle within this
11 state:

12 (a) And the person has, within two hours after being in actual
13 physical control of the vehicle, an alcohol concentration of ((~~0.10~~))
14 0.08 or higher as shown by analysis of the person's breath or blood
15 made under RCW 46.61.506; or

16 (b) While the person is under the influence of or affected by
17 intoxicating liquor or any drug; or

18 (c) While the person is under the combined influence of or affected
19 by intoxicating liquor and any drug.

20 (2) The fact that a person charged with a violation of this section
21 is or has been entitled to use a drug under the laws of this state does
22 not constitute a defense against any charge of violating this section.
23 No person may be convicted under this section if, prior to being
24 pursued by a law enforcement officer, the person has moved the vehicle
25 safely off the roadway.

26 (3) It is an affirmative defense to a violation of subsection
27 (1)(a) of this section which the defendant must prove by a
28 preponderance of the evidence that the defendant consumed a sufficient
29 quantity of alcohol after the time of being in actual physical control
30 of the vehicle and before the administration of an analysis of the
31 person's breath or blood to cause the defendant's alcohol concentration
32 to be ((~~0.10~~)) 0.08 or more within two hours after being in such
33 control. The court shall not admit evidence of this defense unless the
34 defendant notifies the prosecution prior to the omnibus or pretrial
35 hearing in the case of the defendant's intent to assert the affirmative
36 defense.

37 (4) Analyses of blood or breath samples obtained more than two
38 hours after the alleged being in actual physical control of a vehicle

1 may be used as evidence that within two hours of the alleged being in
2 such control, a person had an alcohol concentration of ((0.10)) 0.08 or
3 more in violation of subsection (1)(a) of this section, and in any case
4 in which the analysis shows an alcohol concentration above 0.00 may be
5 used as evidence that a person was under the influence of or affected
6 by intoxicating liquor or any drug in violation of subsection (1)(b) or
7 (c) of this section.

8 (5) A violation of this section is a gross misdemeanor.

9 **Sec. 6.** RCW 46.61.506 and 1995 c 332 s 18 are each amended to read
10 as follows:

11 (1) Upon the trial of any civil or criminal action or proceeding
12 arising out of acts alleged to have been committed by any person while
13 driving or in actual physical control of a vehicle while under the
14 influence of intoxicating liquor or any drug, if the person's alcohol
15 concentration is less than ((0.10)) 0.08, it is evidence that may be
16 considered with other competent evidence in determining whether the
17 person was under the influence of intoxicating liquor or any drug.

18 (2) The breath analysis shall be based upon grams of alcohol per
19 two hundred ten liters of breath. The foregoing provisions of this
20 section shall not be construed as limiting the introduction of any
21 other competent evidence bearing upon the question whether the person
22 was under the influence of intoxicating liquor or any drug.

23 (3) Analysis of the person's blood or breath to be considered valid
24 under the provisions of this section or RCW 46.61.502 or 46.61.504
25 shall have been performed according to methods approved by the state
26 toxicologist and by an individual possessing a valid permit issued by
27 the state toxicologist for this purpose. The state toxicologist is
28 directed to approve satisfactory techniques or methods, to supervise
29 the examination of individuals to ascertain their qualifications and
30 competence to conduct such analyses, and to issue permits which shall
31 be subject to termination or revocation at the discretion of the state
32 toxicologist.

33 (4) When a blood test is administered under the provisions of RCW
34 46.20.308, the withdrawal of blood for the purpose of determining its
35 alcoholic or drug content may be performed only by a physician, a
36 registered nurse, or a qualified technician. This limitation shall not
37 apply to the taking of breath specimens.

1 (5) The person tested may have a physician, or a qualified
2 technician, chemist, registered nurse, or other qualified person of his
3 or her own choosing administer one or more tests in addition to any
4 administered at the direction of a law enforcement officer. The
5 failure or inability to obtain an additional test by a person shall not
6 preclude the admission of evidence relating to the test or tests taken
7 at the direction of a law enforcement officer.

8 (6) Upon the request of the person who shall submit to a test or
9 tests at the request of a law enforcement officer, full information
10 concerning the test or tests shall be made available to him or her or
11 his or her attorney.

12 **Sec. 7.** RCW 88.12.025 and 1993 c 244 s 8 are each amended to read
13 as follows:

14 (1) It shall be unlawful for any person to operate a vessel in a
15 reckless manner.

16 (2) It shall be a violation for a person to operate a vessel while
17 under the influence of intoxicating liquor or any drug. A person is
18 considered to be under the influence of intoxicating liquor or any drug
19 if:

20 (a) The person has ~~((0.10))~~ 0.08 grams or more of alcohol per two
21 hundred ten liters of breath, as shown by analysis of the person's
22 breath made under RCW 46.61.506; or

23 (b) The person has ~~((0.10))~~ 0.08 percent or more by weight of
24 alcohol in the person's blood, as shown by analysis of the person's
25 blood made under RCW 46.61.506; or

26 (c) The person is under the influence of or affected by
27 intoxicating liquor or any drug; or

28 (d) The person is under the combined influence of or affected by
29 intoxicating liquor and any drug.

30 The fact that any person charged with a violation of this section
31 is or has been entitled to use such drug under the laws of this state
32 shall not constitute a defense against any charge of violating this
33 section. A person cited under this subsection may upon request be
34 given a breath test for breath alcohol or may request to have a blood
35 sample taken for blood alcohol analysis. An arresting officer shall
36 administer field sobriety tests when circumstances permit.

37 (3) A violation of this section is a misdemeanor, punishable as
38 provided under RCW 9.92.030. In addition, the court may order the

1 defendant to pay restitution for any damages or injuries resulting from
2 the offense.

3 NEW SECTION. **Sec. 8.** If specific funding for the purposes of this
4 act, referencing this act by bill or chapter number, is not provided by
5 June 30, 1998, in the omnibus appropriations act, this act is null and
6 void.

7 NEW SECTION. **Sec. 9.** This act takes effect January 1, 1999."

8 Correct the title.

--- END ---