

# HOUSE BILL REPORT

## SHB 1083

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### As Amended by the Senate

**Title:** An act relating to use of department of licensing records in criminal prosecutions.

**Brief Description:** Authorizing use of department of licensing records in criminal prosecutions.

**Sponsors:** By House Committee on Law & Justice (originally sponsored by Representatives McDonald, Sheahan and Mielke).

**Brief History:**

**Committee Activity:**

Law & Justice: 1/24/97, 2/11/97 [DPS].

**Floor Activity:**

Passed House: 3/12/97, 97-0;

Passed House: 1/2/98, 93-0.

Senate Amended.

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

**Staff:** Bill Perry (786-7123).

**Background:** The Department of Licensing (DOL) is required to keep various records relating to drivers' licenses. Generally, the DOL is to keep a case record for each driver in the state of each traffic offense committed and a cross-referenced case record of each accident in which the driver is involved, including a brief statement of the cause of the accident.

These case records are generally confidential. They are to be available for the confidential use of the DOL, the State Patrol, the Traffic Safety Commission, and police officers as authorized by law. The DOL uses the case records for determining when "in the best interest of public safety" a driver's license should be suspended or

revoked. The case records may not be offered as evidence in court, except as part of an appeal from a DOL suspension or revocation of a driver's license.

**Summary of Bill:** The DOL case records of a driver's history may be introduced as evidence in court where relevant to the prosecution or defense of a criminal charge.

**EFFECT OF SENATE AMENDMENT(S):** The Senate amendment changes the statement in the current law that records may not be "offered as" evidence to the statement that records may not be "admitted into" evidence, to clarify that once records have been offered, the court will decide whether the exception provided for by the act will apply.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The bill will allow introduction of the best available evidence.

**Testimony Against:** None.

**Testified:** Representative McDonald, prime sponsor.