

HOUSE BILL REPORT

HB 1083

As Reported By House Committee On:

Law & Justice

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: Representatives McDonald, Sheahan and Mielke.

Brief History:

Committee Activity:

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

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 Substitute 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.

Substitute Bill Compared to Original Bill: The substitute bill explicitly allows both the prosecution and the defense to introduce the evidence. The original bill mentions only the prosecution.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: 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.