

5305-S

Sponsor(s): Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fairley, Wojahn, Goings, McAuliffe, Patterson and Kohl)

Brief Title: Controlling drugs used to facilitate rape.

SB 5305-S.E - DIGEST

(DIGEST AS ENACTED)

Provides that Flunitrazepam is a Schedule IV controlled substance.

Increases penalties for use of Flunitrazepam to facilitate rape.

Prohibits the manufacture, delivery, or possession with intent to manufacture or deliver.

VETO MESSAGE ON SB 5305-S

April 2, 1998

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 6, 7, and 8, Engrossed Substitute Senate Bill No. 5305 entitled:

"AN ACT Relating to controlling drugs used to facilitate rape;"

I support the main goal of ESSB 5305, to treat flunitrazepam, the so-called "date rape" drug, with the seriousness it deserves. However, prosecutors and legislators who sponsored and worked for passage of this bill have asked me to veto sections 6 and 7. Those sections would add confusing language to the definitions of second-degree rape and indecent liberties, two very serious sex offenses. The language is not necessary to convict people who use drugs to make victims helpless, and it could make conviction more difficult for other crimes by requiring proof that the accused person knew of the victim's helpless condition.

Section 8 of ESSB 5305 would require rape crisis centers, law enforcement, and hospital emergency rooms to train personnel who investigate sexual assault cases on how to recognize and test for sedatives like flunitrazepam, and how to preserve evidence for use in court. The intent of that section is commendable, but it is vague and lacks any mechanism for implementation. For example, it does not adequately specify who is required to train whom. It is also misplaced in the criminal code. I urge the interested parties to work together to develop effective, workable legislation on this subject for the next session.

For these reasons, I have vetoed sections 6, 7, and 8 of Engrossed Substitute Senate Bill No. 5305.

With the exception of sections 6, 7, and 8, I am approving Engrossed Substitute Senate Bill No. 5305.

Respectfully submitted,

Gary Locke
Governor