

FINAL BILL REPORT

HB 2612

C 52 L 00

Synopsis as Enacted

Brief Description: Clarifying when a defendant must appear.

Sponsors: Representatives McDonald, Constantine and Hurst.

House Committee on Judiciary

Senate Committee on Judiciary

Background:

As part of extensive revisions to the state's drunk driving laws in 1998, the Legislature required that within one judicial day after an arrest for DUI, the defendant must be brought before a magistrate. The purpose of the appearance is to consider the need to impose conditions on pretrial release. Under a 1999 amendment, a local court may waive the requirement that a DUI defendant appear before a judge within one judicial day of arrest. The local waiver must provide for appearance of the defendant at the earliest practicable day as defined by local court rule.

Lack of consistency in terms in this law has caused some confusion. Every person "arrested" for DUI who is served with a citation or complaint at the time of arrest is to appear before a "magistrate," while a person who is "charged" with DUI but is not arrested is to appear within 14 days of the issuance of a citation or the filing of a complaint.

A "magistrate" is any judge or "municipal officer with the power of a district court judge." A "judicial officer" is a person authorized to act as a judge. Most modern statutes use the term "judicial officer" to cover judges and court commissioners.

Summary of Bill:

Language in the law requiring prompt court appearance in DUI cases is clarified and made more consistent. Every person "charged" with DUI who is served with a citation or complaint at the time of arrest must appear before a judicial officer within one judicial day. Every person who is "charged" with DUI but is not served with a citation or complaint at the time of the incident must appear within 14 days.

Votes on Final Passage:

House 97 0

Senate 42 0

Effective: June 8, 2000