

Judiciary

HB 1243

Title: An act relating to the admissibility into evidence of a refusal to submit to a test of alcohol or drug concentration.

Brief Description: Changing provisions relating to the admissibility into evidence of a refusal to submit to a test of alcohol or drug concentration.

Sponsors: Representatives Hurst, Esser, Carrell, Lovick, Lantz and Lambert.

Brief Summary of Bill

- *Allows a refusal to submit to a drug test under the Implied Consent Law to be admitted into evidence in a criminal trial.*

Hearing Date: 2/1/01

Staff: Bill Perry (786-7123).

Background:

The crime of DUI is committed by driving under the influence of alcohol or drugs.

Under the state's Implied Consent Law, every driver in the state has impliedly agreed to submit to a test of his or her breath or blood when lawfully stopped for DUI. The test may be for alcohol or drugs.

Refusal to submit to a test for alcohol or drugs results in the administrative loss of driving privileges.

The fact of a refusal to submit to a test for alcohol is also admissible in evidence in a criminal trial. There is no express statement to this effect with respect to a refusal to

submit to a test for drugs.

Summary of Bill:

The fact of a person's refusal to submit to a drug test under the Implied Consent Law is admissible in a criminal trial.

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

Appropriation: *None.*

Fiscal Note: *Not Requested.*