

SENATE BILL REPORT

HB 1243

As Reported By Senate Committee On:
Judiciary, March 27, 2001

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

Brief History:

Committee Activity: Judiciary: 3/19/01, 3/27/01 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Staff: Lidia Mori (786-7755)

Background: 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 in order to determine the alcohol concentration or presence of any drug when lawfully stopped for driving under the influence (DUI). The officer must warn the driver that refusal to submit to the test for alcohol or drugs results in the administrative loss of driving privileges and the refusal may be used in a subsequent criminal trial. RCW 46.61.517 repeats that the refusal of a person to submit to a test of the alcoholic content of the person's blood or breath under the implied consent law is admissible at a criminal trial. The statute, however, does not address the admissibility at trial of a refusal to submit to a test for the presence of any drug.

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.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill conforms the code to what is already in statute in the implied consent laws. It is supported by the cities, counties, and the state toxicologist. Courts are currently not allowing the refusal to submit to a drug test into evidence in a subsequent criminal trial.

Testimony Against: None.

Testified: Michelle Walker, Prosecuting Attorney's Office, City of Kent