

# SENATE BILL REPORT

## SSB 5557

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As Passed Senate, March 12, 2001

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

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

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators Kline, Rossi, Costa, Kastama, Shin, Johnson, Rasmussen and Thibaudeau).

**Brief History:**

**Committee Activity:** Judiciary: 2/13/01, 2/26/01 [DPS].

Passed Senate: 3/12/01, 44-0.

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 5557 be substituted therefor, and the substitute bill do pass.

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

**Staff:** Lidia Mori (786-7755)

**Background:** The implied consent statute provides that any person who operates a motor vehicle in this state is deemed to have given consent to a test or tests of his or her breath or blood in order to determine the alcohol concentration or presence of any drug, if arrested for an offense where the officer had reasonable grounds to believe the person was driving or in physical control of a vehicle while under the influence of alcohol or any drug. The officer must inform the person of his or her right to refuse the breath or blood test, and must also warn the driver that the refusal to take the test may be used in a subsequent criminal trial.

RCW 46.61.517 iterates 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 into evidence at a criminal trial. The statute does not include the admissibility at trial of a refusal of a person to submit to a test for the presence of any drug.

**Summary of Bill:** The refusal of a person to submit to a test of the alcohol concentration or presence of any drug in the person's blood or breath under the implied consent provisions of RCW 46.20.308 is admissible in a criminal trial.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** There is a disconnect in the current law and this bill fixes it. When an individual refuses to take a breath test, the refusal is allowed into evidence at trial. If it is a blood test for drugs, there is difficulty getting it into evidence in a trial. Refusals for drug tests are being suppressed. Suppression of the refusals leads to pleas to lower DUI offenses.

**Testimony Against:** None.

**Testified:** Doug Levy, City of Kent; Michelle Walker, City of Kent; Donevan Dexheimer, drug recognition expert.