

SENATE BILL REPORT

SB 5627

As Reported By Senate Committee On:
Judiciary, March 1, 2005

Title: An act relating to citations and infractions.

Brief Description: Addressing the failure to respond to citations and notices of infractions.

Sponsors: Senators Kline, Johnson and Delvin; by request of Integrated Justice Information Board.

Brief History:

Committee Activity: Judiciary: 2/9/05, 3/1/05 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5627 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Hargrove, McCaslin, Rasmussen and Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: SHB 2583 passed in the 2004 and it authorized state and local law enforcement agencies to issue criminal and infraction citations electronically. Current law requires law enforcement to obtain the defendant's signature on the original ticket that is filed with the court and a copy is provided to the defendant. Law enforcement officers who participated in a pilot project in Thurston County, conducted by the Washington State Patrol, concluded that the signature requirement adds significant time and expense to the citation process. In addition, it occasions prolonged interactions with offenders because they question the reason they are required to sign. Officers believe removing the signature requirement increases officer safety.

Thousands of cases are initiated yearly in Washington by summons after investigation and/or prosecutor review and are resolved without the need for signatures. Oregon, New York, and North Carolina do not require defendant signatures on tickets.

Summary of Substitute Bill: People are not required to sign notices of infractions that are created by electronic means or served by mail. The notices inform the person that he or she must appear or respond to the notice within a specified period of time and also informs the person of the consequences of failure appear or respond.

Substitute Bill Compared to Original Bill: The requirement for a signature does not apply when the person stopped is served with a notice of infraction that is created by electronic means or served by mail.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: This bill will lead to more efficient and accurate issuance and processing of citations. Currently, the law enforcement officer has to input the necessary information, print out the ticket, and then go back to the vehicle and get the signature of the driver. The defendant can still contest that "it wasn't him" and the burden of proof is still on the state to prove identification. E-citations are the future. The bill should be permissive, not required.

Testimony Against: There are fears this bill will increase identity theft. There should be some procedural safeguards put in place. Sometimes there are non-vehicular incidents involved and a signature would increase the likelihood of accurate identification. It should be left to the officer's judgment.

Who Testified: PRO: Steve Lind, WA Traffic Safety Commission; Judge Brett Buckley, District and Municipal Court Judges Assn; James McMahan, WA Assn of Sheriffs and Police Chiefs. OTHER: Fred Fakkema, WA State Patrol; Tammy Fellin, WA Assn. of Cities.

CON: Kurt Bennett, WA Assn. of Criminal Defense Lawyers, WA Defender Assn.

Signed in, Unable to Testify & Submitted Written Testimony: Brian LeDuc.