

FINAL BILL REPORT

HB 2465

C 53 L 10

Synopsis as Enacted

Brief Description: Concerning breath test instruments approved by the state toxicologist.

Sponsors: Representatives Hurst, Rodne, Kelley, Roberts and Ericks; by request of Washington State Patrol.

House Committee on Judiciary
Senate Committee on Judiciary

Background:

The Washington State Patrol (WSP) uses an instrument called the Datamaster to test a person's breath alcohol concentration (BAC). The person is required to blow into the machine at least twice to constitute a breath test. Between the person's two samples, the machine is tested using an external standard simulator, which must produce a reading within a certain range to indicate that the machine is accurate and functioning properly. For the external standard simulator test, the Datamaster uses a liquid simulator solution.

The Datamaster machines are no longer being manufactured. The WSP plans to use a different machine that employs a dry gas standard as an external standard simulator.

The criteria for the admissibility of BAC evidence is established by statute. A breath test performed by an instrument approved by the state toxicologist is admissible at trial or in an administrative proceeding if the prosecutor produces evidence that, among other things, the external standard simulator test was within a specified range.

Summary:

The statute that lists what evidence the prosecutor must show in order for breath test results to be admissible is amended to include machines that use dry gas simulators as well as liquid simulator solutions.

Votes on Final Passage:

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| House | 97 | 0 |
| Senate | 47 | 0 |

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Effective: June 10, 2010