
Public Safety Committee

HB 2279

Brief Description: Addressing probable cause for persons in violation of an impaired driving offense.

Sponsors: Representative Klippert.

Brief Summary of Bill

- Requires a police officer to arrest and take into custody a person without warrant when the officer has probable cause to believe that the person has committed an impaired driving offense.
- Requires that the arrested person be booked into jail, fingerprinted, and photographed, and remain in custody for no less than six hours.

Hearing Date: 1/13/16

Staff: Yvonne Walker (786-7841).

Background:

A police officer with probable cause to believe that a person committed or is committing a felony has the authority to arrest the person without a warrant. A police officer may also arrest a person without a warrant for committing a misdemeanor or gross misdemeanor offense, but only when the offense is committed in the presence of the officer, except in certain enumerated situations.

When a person is arrested and taken into custody for a the Driving Under the Influence (DUI) or being in Physical Control of a motor vehicle while impaired (PC) offense and the officer has knowledge that the person has had a prior DUI or PC conviction within 10 years, that person can only be released from custody by a judge.

Summary of Bill:

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.

A police officer must arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without warrant when the officer has probable cause to believe that the person has committed a DUI or PC offense, or an equivalent local ordinance. The person must be arrested, booked into jail (which includes being fingerprinted and photographed), and must remain in custody for no less than six hours.

Appropriation: None.

Fiscal Note: Requested on January 7, 2016.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.