

2 **2SHB 3070** - S AMD TO S AMD (S5425.1) - 885
3 By Senator Fairley

4 ADOPTED 3/5/98

5 On page 12, after line 29 of the amendment, insert the following:

6 "NEW SECTION. **Sec. 6.** A new section is added to chapter 46.61 RCW
7 to read as follows:

8 (1) A defendant who is arrested for an offense involving driving
9 while under the influence as defined in RCW 46.61.502, driving under
10 age twenty-one after consuming alcohol as defined in RCW 46.61.503, or
11 being in physical control of a vehicle while under the influence as
12 defined in RCW 46.61.504, shall be required to appear in person before
13 a magistrate within one judicial day after the arrest.

14 (2) A defendant who is charged by citation, complaint, or
15 information with an offense involving driving while under the influence
16 as defined in RCW 46.61.502, driving under age twenty-one after
17 consuming alcohol as defined in RCW 46.61.503, or being in physical
18 control of a vehicle while under the influence as defined in RCW
19 46.61.504, and who is not arrested, shall appear in court for
20 arraignment in person as soon as practicable, but in no event later
21 than fourteen days after the next day on which court is in session
22 following the issuance of the citation or the filing of the complaint
23 or information.

24 (3) At the time of an appearance required by this section, the
25 court shall determine the necessity of imposing conditions of pretrial
26 release according to the procedures established by court rule for a
27 preliminary appearance or an arraignment.

28 (4) Appearances required by this section are mandatory and may not
29 be waived."

30 Renumber the remaining sections consecutively and correct any
31 internal references accordingly.

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4 On page 21, line 17 of the title amendment, after "46.61.5055;"
5 insert "adding a new section to chapter 46.61 RCW;"

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