

SHB 3124 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 03/04/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61 RCW
4 to read as follows:

5 A law enforcement officer shall promptly notify child protective
6 services whenever a child is present in a vehicle being driven by his
7 or her parent, guardian, or legal custodian and that person is being
8 arrested for a drug or alcohol-related driving offense. This section
9 does not require law enforcement to take custody of the child unless
10 there is no other responsible person, or an agency having the right to
11 physical custody of the child that can be contacted, or the officer has
12 reasonable grounds to believe the child should be taken into custody
13 pursuant to RCW 13.34.050 or 26.44.050. For purposes of this section,
14 "child" means any person under ten years of age.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 26.44 RCW
16 to read as follows:

17 A law enforcement officer shall promptly notify child protective
18 services whenever a child is present in a vehicle being driven by his
19 or her parent, guardian, or legal custodian and that person is being
20 arrested for a drug or alcohol-related driving offense. This section
21 does not require law enforcement to take custody of the child unless
22 there is no other responsible person, or an agency having the right to
23 physical custody of the child that can be contacted, or the officer has
24 reasonable grounds to believe the child should be taken into custody
25 pursuant to RCW 13.34.050 or 26.44.050. For purposes of this section,
26 "child" means any person under ten years of age."

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1 On page 1, line 4 of the title, after "drugs;" strike the remainder
2 of the title and insert "adding a new section to chapter 46.61 RCW; and
3 adding a new section to chapter 26.44 RCW."

EFFECT: Requires law enforcement when arresting the parent, guardian, or legal custodian of a child under the age of 10 for driving under the influence of drugs or alcohol to promptly contact CPS. Law enforcement does not have to take the child into custody unless there is no other responsible person or agency that can be contacted.

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