

SENATE BILL REPORT

SB 5023

As of January 18, 2013

Title: An act relating to college DUI courts.

Brief Description: Providing for college DUI courts.

Sponsors: Senator Padden.

Brief History:

Committee Activity: Law & Justice: 1/18/13.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Aldo Melchiori (786-7439)

Background: A DUI court is a court that has a special calendar or docket designed to achieve a reduction in recidivism of impaired driving among nonviolent, alcohol abusing offenders by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic testing for alcohol use and, if applicable, drug use; and the use of appropriate sanctions and other rehabilitation services.

Counties may establish and operate DUI courts and municipalities may enter into cooperative agreements with counties that have DUI courts to provide DUI court services. Any jurisdiction that seeks a state appropriation to fund a DUI court program must exhaust all federal funding that is available to support the operations of its DUI court and associated services, and match, on a dollar-for-dollar basis, state monies allocated for DUI court programs with local cash or in-kind resources. However, until June 30, 2014, no match is required for state monies expended for the administrative and overhead costs associated with the operation of a DUI court. Monies allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for DUI court operations and services.

The minimum requirements for DUI court admission are:

- the offender would benefit from alcohol treatment;
- the offender has not previously been convicted of a serious violent offense or sex offense, vehicular homicide, vehicular assault, or an equivalent out-of-state offense; and

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- the offender is not currently charged with or convicted of an offense that is a sex offense; a serious violent offense; vehicular homicide or vehicular assault; or an offense during which the defendant used a firearm or caused substantial or great bodily harm or death to another person.

Summary of Bill: Counties may establish college DUI courts and municipalities may enter into cooperative agreements with counties that have college DUI courts to provide college DUI court services. In addition to the minimum requirements for admission to regular DUI court, only students admitted to an institution of higher education in Washington are eligible for college DUI court.

College DUI courts may be convened on college campuses. The institution of higher education may also impose conditions under the student conduct code including withholding a diploma until the student successfully completes the college DUI court.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on January 1, 2014.

Staff Summary of Public Testimony: PRO: The Century Council supports this legislation. The bill would help unite the higher education and justice systems to address drunk driving.

CON: The state needs to carefully consider whether we need a specialty court for the privileged class. Much of the evidence regarding alcohol on campus is junk science. Is it possible to impose a campus sanction for off-campus behavior?

OTHER: College drinking does not directly translate to high DUI rates because students on campus do not need to drive. College sanctions can be very effective. DUI courts are effective. The courts may already have the authority to establish these college DUI courts without a statute.

Persons Testifying: PRO: Robert King, Century Council

CON: Arthur West, citizen

OTHER: Melanie Stewart, District and Municipal Court Judges Association; Mike Segawa, University of Puget Sound; Mellani McAleenan, Associate Director, AOC