

SENATE BILL REPORT

SB 6014

As Reported by Senate Committee On:
Law & Justice, January 15, 2014

Title: An act relating to operation of a vessel under the influence of an intoxicant.

Brief Description: Concerning the operation of a vessel under the influence of an intoxicant.

Sponsors: Senators Roach and Fain.

Brief History:

Committee Activity: Law & Justice: 1/13/14, 1/15/14 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6014 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Kline, Ranking Member; Darneille, Pearson, Pedersen and Roach.

Staff: Aldo Melchiori (786-7439)

Background: In 2013, the Legislature strengthened the statutes for boating under the influence to mirror driving under the influence (DUI) laws. As part of the changes, boaters in the state of Washington are deemed to have given consent to a test or tests of breath or blood to determine alcohol concentration, tetrahydrocannabinol (THC) concentration, or for the presence of any drug.

In April 2013, the United State Supreme Court held that, in DUI investigations, the natural dissipation of alcohol in the bloodstream does not constitute an exigency in every case sufficient to justify conducting a blood test without a warrant. The DUI implied-consent statutes were changed during the 2013 Special Legislative Session to provide that a blood test may only be administered without the consent of the individual pursuant to a search warrant, valid waiver of the warrant requirement, or when exigent circumstances exist.

Summary of Bill (Recommended Substitute): The implied consent provision for a test of a person's breath apply if the person is arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe that the person was operating a vessel

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while under the influence of alcohol or a combination of alcohol and any other drug. Refusal to submit to a breath test remains a class 1 civil infraction.

The implied consent provision regarding a blood test for a person suspected of operating a vessel under the influence of marijuana or any other drug is removed. When an arrest results from a boating accident in which there is serious bodily injury to another person or the arresting officer has reasonable grounds to believe that the person operating the vessel was under the influence of marijuana or any other drug, a blood test may only be administered without the consent of the individual pursuant to a search warrant, valid waiver of the warrant requirement, or when exigent circumstances exist.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Substitute): Breath test and blood test refusals remain inadmissible into evidence at criminal trials. It is clarified that the civil penalty only applies to a refusal to take a breath test.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This helps perfect the boating under the influence changes that were made last year. This will bring the boating under the influence statutes in line with the U.S. Supreme Court decision. Warrants should be required before blood tests are done and this bill clarifies that warrants will be obtained.

OTHER: Drug test refusal should be inadmissible in a criminal trial if alcohol test refusal is inadmissible.

Persons Testifying: PRO: Senator Roach, prime sponsor; Steve Crown, Joanna Eide, WA Dept. of Fish and Wildlife Police; Wade Alonso, WA State Parks.

OTHER: Arthur West, citizen.