

HOUSE BILL REPORT

HB 1886

*As Reported By House Committee on:
Judiciary*

Title: An act relating to alcohol and drug evaluation and treatment for individuals convicted of vehicular homicide or vehicular assault.

Brief Description: Requiring drug and alcohol evaluation and treatment in the event of a vehicular crime.

Sponsor(s): Representatives H. Myers, Padden, Cooper, Morris, Ogden, Peery, Tate, Ludwig, Fuhrman, Paris, Wineberry, May, Winsley, Sheldon, Rasmussen and Orr.

Brief History:

Reported by House Committee on:
Judiciary, March 6, 1991, DPS.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *That Substitute House Bill No. 1886 be substituted therefor, and the substitute bill do pass.*

Signed by 19 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; Locke; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

Staff: Jeff Fishel (786-7191).

Background: Persons convicted of driving while under the influence of intoxicating liquor or drugs, or convicted of being in actual physical control of a vehicle while under the influence of intoxicating liquor or drugs, are required as a part of their sentence to either attend an alcohol information class or undergo a diagnostic exam to determine if the person has an alcohol or drug problem, or both. If the court finds, based on the exam, that the offender has a problem, the court will order the person to attend a treatment program approved by the Department of Social and Health Services.

Under the Sentencing Reform Act of 1981, a court may require offenders to complete up to a year of community supervision for offenders who are sentenced to a year or less in jail.

The conditions of community supervision are within the discretion of the court. For a first-time felony offender, a court may waive a sentence under the Sentencing Reform Act and require community supervision of up to two years or imprisonment of up to 90 days, or both.

Persons convicted of a felony sex offense or a serious violent offense are sentenced to community placement in addition to time the person serves in prison. If the person is released early for good behavior and performance, the community placement extends for the length of time earned for good behavior or for two years, whichever is longer. The mandatory conditions for community placement are: (1) supervision by a community placement officer, the cost for which may be paid for in part or entirely by the offender; (2) employment that is approved by the Department of Corrections; and (3) no consumption of controlled substances except for prescription medication. The court may also impose a number of other conditions.

Summary of Substitute Bill: The bill requires persons convicted of vehicular homicide or vehicular assault as a result of driving while under the influence of an intoxicating liquor or drug to be treated for alcohol or drug abuse if required as a result of a diagnostic exam.

Offenders who are sentenced for a year or less are subject to conditional community supervision that requires the offender to undergo a diagnostic test to determine if the offender has an alcohol or drug problem. If so, the offender must complete a treatment program approved by the Department of Social and Health Services.

Offenders who are sentenced for more than a year are subject to conditional community placement and must undergo a diagnostic exam and any treatment required as a result of the exam.

Substitute Bill Compared to Original Bill: The substitute requires offenders to be financially responsible for any testing or treatment done as a condition of their community supervision or placement.

The substitute also contains some clarifying changes.

Fiscal Note: Available on original bill. New fiscal note requested on March 6, 1991 for substitute bill.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect July 1, 1991.

Testimony For: Violators of the driving while intoxicated law or physical control law are required to undergo testing and, if necessary, treatment; yet, if they kill or assault someone, they are not.

Testimony Against: None.

Witnesses: Jim David, Clark County Deputy Prosecutor (in favor of original bill); and Dave Savage, Department of Corrections (no opinion).