

HOUSE BILL REPORT

HB 2388

*As Reported By House Committee on:
Judiciary*

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

Brief Description: Authorizing treatment options for persons convicted of vehicular homicide and vehicular assault.

Sponsor(s): Representatives H. Myers, Padden, Belcher, Appelwick, Riley, Paris, Ludwig, Hargrove, Scott, Vance, Bowman, Carlson, Ferguson, Orr, Brough, May, Broback and Hochstatter.

Brief History:

Reported by House Committee on:
Judiciary, February 6, 1992, DPS.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 17 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; and Vance.

Staff: Bill Perry (786-7123).

Background: Persons convicted of driving while under the influence of intoxicating liquor or drugs are required as a part of their sentences to attend an information class or to undergo a diagnostic exam or to do both. If the court finds, based on the exam, that an offender has a drug or alcohol 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 (SRA), a person convicted of a felony sex offense or a serious violent offense is sentenced to community placement in addition to the time the person serves in prison. If the person is released from prison early for good behavior and

performance, the community placement extends for the length of time earned for good behavior. If less than two years of early release have been earned, community placement is for two years. 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.

In 1991, additional sentencing requirements were imposed for persons convicted of vehicular homicide or vehicular assault as a result of driving while under the influence of intoxicating liquor or drugs. 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.

The 1991 legislation also would have provided that vehicular homicide or assault offenders who are sentenced to more than a year's confinement are subject to community placement and have to undergo diagnosis and treatment. A partial veto by the governor removed this portion of the bill. The veto message indicated that failure explicitly to amend the community placement statute in the 1991 act created an ambiguity as to an offender's eligibility for community placement.

Summary of Substitute Bill: Vehicular homicide and vehicular assault offenders who are sentenced to more than a year in confinement are subject to conditional community placement. Such offenders must undergo a diagnostic exam and must undergo whatever treatment may be required as a result. The community placement statute is amended to allow such offenders to be eligible for the program. Community placement for these offenders is limited to the longer of one year or their earned early release time. Conditions of placement include only: completion of treatment, abstinence from drugs and alcohol, payment of fees and legal obligations, and availability for contact with a community corrections officer.

Substitute Bill Compared to Original Bill: The substitute bill reduces from two years to one year the length of community placement. It also limits the conditions of supervision.

Fiscal Note: Available.

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

Testimony For: The bill carries out the intent of the Legislature in last year's legislation and corrects a perceived defect that led to the governor's veto.

Testimony Against: None.

Witnesses: Jim David, Clark County Prosecutor's Office (in favor).