

SENATE BILL REPORT

SHB 1886

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, APRIL 3, 1991

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

SPONSORS: House Committee on Judiciary (originally sponsored by Representatives H. Myers, Padden, Cooper, Morris, Ogden, Peery, Tate, Ludwig, Fuhrman, Paris, Wineberry, May, Winsley, Sheldon, Rasmussen and Orr).

HOUSE JUDICIARY COMMITTEE

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, Newhouse, and A. Smith.

Staff: Richard Rodger (786-7461)

Hearing Dates: March 26, 1991; April 3, 1991

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:

Persons convicted of vehicular homicide or vehicular assault as a result of driving while under the influence of an intoxicating liquor or drug must 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.

Appropriation: none

Revenue: none

Fiscal Note: requested March 6, 1991

Effective Date: 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

TESTIFIED: PRO: Representative Holly Myers, prime sponsor; Mike Redman, WAPA; Mark Thompson, WAPA; Jim David, WAPA