

HOUSE BILL REPORT

HB 2583

As Passed House:

February 11, 2004

Title: An act relating to issuance of infractions and citations.

Brief Description: Authorizing issuance of infractions and citations by electronic device.

Sponsors: By Representatives Lovick and Delvin; by request of Administrative Office of the Courts.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/30/04, 2/4/04 [DP].

Floor Activity:

Passed House: 2/11/04, 94-0.

Brief Summary of Bill

- Allows civil infractions to be issued by electronic device.
- Makes it unlawful to improperly dispose of a notice of civil infraction.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Pearson and Veloria.

Staff: Jim Morishima (786-7191).

Background:

Civil Infractions

A civil infraction is a minor, non-criminal offense for which a fine may be imposed. A person who is issued a civil infraction must sign the notice of infraction and either pay the fine or challenge the infraction. In a hearing contesting the infraction, the state has the burden of proving the commission of the civil infraction by a preponderance of the evidence.

Law enforcement agencies and agencies authorized to issue civil infractions must issue notices of civil infractions from books with notices in quadruplicate. The chief administrative officer of such an agency must keep a record of every book issued to the employees of the agency along with a receipt for every book so issued.

After issuing a civil infraction, the law enforcement officer or other person authorized to do so must deposit the original copy of the notice of infraction with a court of competent jurisdiction. It is official misconduct for a law enforcement officer or other officer or public employee to dispose of a notice of civil infraction, copies of the notice of civil infraction, or the record of the issuance of the notice of civil infraction in a manner not authorized by law.

Traffic Citations

A traffic enforcement officer may issue a traffic citation whenever any person is arrested for any violation of the traffic laws or regulations that is punishable as a misdemeanor or by imposition of a fine. Traffic enforcement agencies authorized to issue traffic citations must issue notices of the citations in books with citations in quadruplicate. The chief administrative officer of such an agency must keep a record of every book issued to the employees of the agency along with a receipt for every book so issued.

After issuing a civil infraction, the traffic enforcement officer must deposit the original copy of the citation with a court of competent jurisdiction or with its traffic violations bureau. It is unlawful and official misconduct for a traffic enforcement officer or other officer or public employee to dispose of a traffic citation, copies of the traffic citation, or the record of the issuance of the traffic citation in a manner not authorized by law.

Summary of Bill:

Civil infractions and traffic citations may be issued by an electronic device capable of producing a printed copy of the infraction or citation.

In addition to being official misconduct, it is unlawful for a law enforcement officer or other officer or public employee to dispose of a notice of civil infraction, copies of the notice of civil infraction, or the record of the issuance of the notice of civil infraction in a manner not authorized by law.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2004.

Testimony For: The current processes for issuing civil infractions and traffic citations are complicated and redundant. Officers must write the infractions and citations by hand and deliver hard copies to the court, which then enters the data into its computer system by hand. This bill will allow officers to scan a person's driver's license and save officers a lot of time in writing infractions and citations. Electronic infractions and citations will also help to prevent errors caused by illegible handwriting and transcription errors. Electronic infractions and citations will also enable law enforcement agencies to search data on infractions and citations. They will also make archiving easier since the electronic medium allows for indefinite storage. Electronic infractions and citations will save staff time and allow for the electronic transfer of information. Such infractions and citations will also enable the information to be submitted in a timely manner.

Testimony Against: None.

Persons Testifying: Representative Lovick, prime sponsor; Gary Lucas, Clark County Sheriff; Bruce Bjork, Washington Department of Fish and Wildlife; Jeff Hall, Board of Judicial Administration; and Glenn Cramer, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.