

---

## Judiciary Committee

---

### HB 1340

**Title:** An act relating to standardized chemical dependency assessment protocols.

**Brief Description:** Establishing standardized chemical dependency assessment protocols.

**Sponsors:** Representatives Pearson, Moeller, O'Brien, Lovick and Upthegrove.

|  |
|--|
| <p style="text-align: center;"><b>Brief Summary of Proposed Substitute Bill</b></p> <ul style="list-style-type: none"><li>• Provides uniform standards for alcohol and drug assessments of persons convicted of DUI and persons petitioning for deferred prosecution of DUI charges.</li></ul> |
|--|



**Hearing Date:** 2/9/07

**Staff:** Trudes Tango (786-7384).

**Background:**

As part of his or her sentence, a person convicted of driving while under the influence of intoxicating liquor or any drug (DUI) is required to undergo "alcohol assessment and treatment." The treatment consists of completing an alcohol information course approved by the Department of Social and Health Services (DSHS) or completing a more intensive treatment program approved by the DSHS, as determined by the sentencing court.

To determine which option to impose, the court must direct a DSHS-approved alcoholism agency or the court's own DSHS-approved probation department to prepare a diagnostic evaluation and treatment recommendation. The DSHS is responsible for setting standards for alcohol treatment programs.

If a person has been arrested for DUI, he or she may petition a court for a deferred prosecution as long as he or she has not previously been granted a deferral. If the petition is granted, the person's prosecution is deferred pending his or her successful completion of alcohol or drug treatment. In order to get a deferral, the petitioner must demonstrate to the satisfaction of the court that, among other things, his or her DUI was the result of alcoholism or drug addiction. The petition must

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

contain a "case history and written assessment" that has been prepared by a DSHS-approved alcoholism or drug program.

Although these statutes require the DSHS to set standards for treatment programs, they do not provide for or require standardized assessment procedures.

**Summary of Proposed Substitute Bill:**

Requirements are established for alcohol and drug dependency assessments done on persons convicted of DUI and persons petitioning for a deferred prosecution of a DUI charge. The assessment must be done by a certified chemical dependency professional or a supervised trainee who is qualified under rules of the Department of Health, or by a probation assessment officer qualified under the DSHS rules.

An assessment must include:

- available information on the client's blood alcohol level and other drug levels at the time of arrest;
- an evaluation of the client's self-reported driving record;
- a clinical interpretative statement of the client's abstract of driving record that includes a 15 year history of all alcohol-related convictions, including related offenses that were reduced to lesser offenses, and deferred prosecutions, and how they relate to the assessment and diagnosis;
- the person's release of criminal history information, or a statement describing the circumstances that prevented obtaining such history;
- a copy of the police report if the person refused a blood or breath test, or a statement describing the circumstances preventing the review of the police report;
- a drug screen obtained in accordance with the DSHS rules, or if a request for drug screen is refused, a statement describing the circumstances surrounding the refusal.

When requested by the certified chemical dependency professional or trainee, the court must provide the client's criminal history within 5 days of the request. If the court does not provide the history, a release of information must be obtained from the client for the court or judicial information system to receive a summation of the client's history.

**Appropriation:** None.

**Fiscal Note:** Requested on February 1, 2007.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.