
Judiciary Committee

HB 1408

Title: An act relating to victim impact panels.

Brief Description: Establishing minimum standards for victim impact panels.

Sponsors: Representatives Morrell, Hudgins, Upthegrove, Rolfes, Goodman, Pedersen, Green, Roberts, O'Brien, Dickerson, Cody, Takko, Moeller, Kenney, Kelley and Nelson.

Brief Summary of Bill

- Requires courts to develop and maintain a registry of qualified DUI victim impact panels.
- Establishes minimum standards that DUI victim impact panels must meet to be listed on the court's registry.

Hearing Date: 2/5/09

Staff: Trudes Tango (786-7384)

Background:

A person convicted of driving under the influence of intoxicating liquor or any drug (DUI) is subject to monetary penalties, mandatory jail time and possibly the suspension of a driver's license. In addition to these penalties, a person convicted of DUI, or granted a deferred prosecution on a DUI charge, may be ordered to attend a victim impact panel that focuses on "the emotional, physical, and financial suffering of victims injured by persons convicted of DUI." A person charged with DUI may petition for a deferred prosecution on the grounds that the alcoholism or drug addiction caused the criminal violation.

There is nothing in statute that requires victim impact panels to be conducted by certain entities or organizations. Some courts, such as King County District Court, have adopted minimum standards for victim impact panels.

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.

Summary of Bill:

Each court administration or the equivalent must develop and maintain a registry of qualified DUI victim impact panels. Municipal, district, and superior courts may coordinate their efforts to develop a registry for their judicial district. Courts requiring DUI offenders to attend victim impact panels as part of their sentence must refer the offender to a panel listed in the registry.

To be listed on a court's registry, the panel must, at a minimum:

1. address the effects of drunk driving and address alternatives to drinking and driving;
2. have at least two different speakers who are DUI victims presenting their stories in person and provide at least 60 minutes of victim panel presentation, including registration and administration time;
3. have policies and procedure to recruit, screen, train, and provide feedback and ongoing support to the panelists, and must take reasonable steps to verify the authenticity of the panelist's stories;
4. charge a reasonable fee to all persons required to attend, unless otherwise ordered by the court;
5. have a no-admittance policy for anyone under the influence of alcohol or drugs or anyone whose behavior is otherwise inappropriate;
6. maintain attendance records for at least five years;
7. make reasonable efforts to use a facility that meets standards established by the American with Disabilities Act;
8. provide referral information to other community services; and
9. designate a facilitator responsible for enforcing the minimum standards and maintaining records and communication with courts and probationary departments regarding attendance.

Any person who reasonably believes a panel has failed to meet the minimum standards may submit a written report to the court. The court may establish a process to review complaints, conduct disciplinary procedures, and remove a panel from its registry.

Appropriation: None.

Fiscal Note: Available.

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