

---

**SUBSTITUTE HOUSE BILL 3124**

---

**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By** House Early Learning & Children's Services (originally sponsored by Representatives Roberts, Kagi, Simpson, and Kenney)

READ FIRST TIME 02/03/10.

1       AN ACT Relating to requiring a report to child protective services  
2 when a child is present in the vehicle of a person arrested for driving  
3 or being in control of a vehicle while under the influence of alcohol  
4 or drugs; adding a new section to chapter 46.61 RCW; and adding a new  
5 section to chapter 26.44 RCW.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7       NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61 RCW  
8 to read as follows:

9       A law enforcement officer shall promptly notify child protective  
10 services whenever a child is present in a vehicle being driven by a  
11 person being arrested on probable cause for a drug or alcohol-related  
12 driving offense. This section does not require law enforcement to take  
13 custody of the child unless there is no person or agency having the  
14 right to physical custody of the child available, or the officer has  
15 reasonable grounds to believe the child should be taken into custody  
16 pursuant to RCW 13.34.050 or 26.44.050. For purposes of this section,  
17 "child" means any person under eighteen years of age.

1        NEW SECTION.   **Sec. 2.**   A new section is added to chapter 26.44 RCW  
2   to read as follows:  
3        A law enforcement officer shall promptly notify child protective  
4   services whenever a child is present in a vehicle being driven by a  
5   person being arrested on probable cause for a drug or alcohol-related  
6   driving offense.   This section does not require law enforcement to take  
7   custody of the child unless there is no person or agency having the  
8   right to physical custody of the child available, or the officer has  
9   reasonable grounds to believe the child should be taken into custody  
10   pursuant to RCW 13.34.050 or 26.44.050.

--- END ---