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HOUSE BILL 3124

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State of Washington                      61st Legislature                      2010 Regular Session

By Representatives Roberts, Kagi, Simpson, and Kenney

Read first time 01/26/10. Referred to Committee on Judiciary.

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            (1) The legislature finds that when a person is driving under the  
10 influence of alcohol or drugs or is in physical control of a vehicle  
11 while under the influence of alcohol or drugs and a child is present in  
12 the vehicle, the person has evidenced a serious disregard of  
13 consequences of such magnitude as to constitute a clear and present  
14 danger to the child's safety. The legislature also finds that the risk  
15 of substantial harm created by such disregard requires notification to  
16 child protective services.

17            (2) A law enforcement officer shall promptly notify child  
18 protective services whenever a child is present in a vehicle being  
19 driven by, or under the control of, a person being arrested on probable

1 cause for driving under the influence of alcohol or drugs or being in  
2 physical control of a vehicle while under the influence of alcohol or  
3 drugs. This section does not require law enforcement to take custody  
4 of the child unless there is no person or agency having the right to  
5 physical custody of the child available, or the office has reasonable  
6 grounds to believe the child should be taken into custody pursuant to  
7 RCW 13.34.050 or 26.44.050.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 26.44 RCW  
9 to read as follows:

10 (1) The legislature finds that when a person is driving under the  
11 influence of alcohol or drugs or is in physical control of a vehicle  
12 while under the influence of alcohol or drugs and a child is present in  
13 the vehicle, the person has evidenced a serious disregard of  
14 consequences of such magnitude as to constitute a clear and present  
15 danger to the child's safety. The legislature also finds that the risk  
16 of substantial harm created by such disregard requires notification to  
17 child protective services.

18 (2) A law enforcement officer shall promptly notify child  
19 protective services whenever a child is present in a vehicle being  
20 driven by, or under the control of, a person being arrested on probable  
21 cause for driving under the influence of alcohol or drugs or being in  
22 physical control of a vehicle while under the influence of alcohol or  
23 drugs. This section does not require law enforcement to take custody  
24 of the child unless there is no person or agency having the right to  
25 physical custody of the child available, or the office has reasonable  
26 grounds to believe the child should be taken into custody pursuant to  
27 RCW 13.34.050 or 26.44.050.

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