

FINAL BILL REPORT

SHB 1886

PARTIAL VETO

C 348 L 91

Brief Description: Requiring drug and alcohol evaluation and treatment in the event of a vehicular crime.

By House Committee on Judiciary (originally sponsored by Representatives H. Myers, Padden, Cooper, Morris, Ogden, Peery, Tate, Ludwig, Fuhrman, Paris, Wineberry, May, Winsley, Sheldon, Rasmussen and Orr).

House Committee on Judiciary
Senate Committee on Law & Justice

Background: Persons convicted of driving while under the influence of intoxicating liquor or drugs are required as a part of their sentence to attend an information class or to undergo a diagnostic exam or to do both. If the court finds, based on the exam, that the offender has a drug or alcohol problem, the court will order the person to attend a treatment program approved by the Department of Social and Health Services.

Under the Sentencing Reform Act of 1981, a court may require some felony offenders to complete up to a year of community supervision. The court may impose conditions on community supervision that are related to the crime of conviction. For a first-time felony offender, a court may waive the sentence otherwise called for under the Sentencing Reform Act and require community supervision of up to two years or imprisonment of up to 90 days, or both.

A person convicted of a felony sex offense or a serious violent offense is sentenced to community placement in addition to the time the person serves in prison. If the person is released from prison early for good behavior and performance, the community placement extends for the length of time earned for good behavior. If less than two years of early release have been earned, community placement is for two years. The mandatory conditions for community placement are: (1) supervision by a community placement officer, the cost for which may be paid for in part or entirely by the offender; (2) employment that is approved by the Department of Corrections; and (3) no consumption of controlled substances except for prescription medication. The court may also impose a number of other conditions.

Summary: Additional sentencing requirements are imposed for persons convicted of vehicular homicide or vehicular assault as a result of driving while under the influence of intoxicating liquor or drugs.

Offenders who are sentenced for a year or less are subject to conditional community supervision that requires the offender to undergo a diagnostic test to determine if the offender has an alcohol or drug problem. If so, the offender must complete a treatment program approved by the Department of Social and Health Services.

Offenders who are sentenced for more than a year are subject to conditional community placement and must undergo a diagnostic exam and any treatment required as a result of the exam.

Votes on Final Passage:

House	98	0
Senate	44	0

Effective: July 1, 1991

Partial Veto Summary: The governor's partial veto removes the portion of the bill dealing with offenders who are sentenced to more than a year in confinement.