

SENATE BILL REPORT

SHB 1051

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, MARCH 23, 1993

Brief Description: Providing for restitution for certain emergency responses.

SPONSORS: House Committee on Judiciary (originally sponsored by Representatives Scott, Van Luven, Talcott, Riley, Foreman, Long, Orr, Brough, Forner, Miller, Lemmon, Johanson, Tate, Vance, Wood, Cooke and Roland)

HOUSE COMMITTEE ON JUDICIARY

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Rinehart, Roach, and Spanel.

Staff: Susan Carlson (786-7418)

Hearing Dates: March 18, 1993; March 23, 1993

BACKGROUND:

Incidents involving intoxicated drivers often require an emergency response by law enforcement, fire departments, or medical services. Currently, Washington has no provision to allow local authorities to recoup the costs of supplying such emergency services.

SUMMARY:

A state or local agency is entitled to recover the costs of emergency response to an incident caused by a person who is operating a motor vehicle, boat, or airplane while under the influence of alcohol or drugs. The person becomes liable to the responding agency upon conviction or deferral of prosecution for a crime arising out of the incident. Liability is limited to a maximum of \$1,000 per incident. If more than one agency responds, and the actual costs exceed \$1,000, the division of the amount recovered is to be determined by an interlocal agreement.

Recoverable expenses are defined as reasonable costs directly incurred in making an appropriate emergency response to the incident. Specifically included are the costs of providing police, coroner, fire fighting, rescue, emergency medical services or utility response at the scene of the incident, and the salaries of the personnel who respond to the incident.

A defendant's testimony during an emergency response liability proceeding is not admissible in a criminal proceeding arising out of the same incident.

Payment of the costs of an emergency response may also be made a condition of probation as part of a criminal sentence.

SUMMARY OF PROPOSED SENATE AMENDMENT:

The provision preventing use of the defendant's testimony during an emergency response liability hearing in a criminal proceeding is stricken.

Upon conviction of vehicular assault or vehicular homicide, legal financial obligations imposed by the court may include emergency response expenses as provided in the bill.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

Emergency responses to incidents involving intoxicated drivers can be very costly to cities and counties. The bill holds these drivers responsible for those costs.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Judy Arnold, Thurston County Coroner; Kurt Sharar, WA State Assn. of Cities; Jim Justin, AWL; Michael Weight, City of Everett; Jim Townsend, Snohomish County Prosecuting Attorney