

SENATE BILL REPORT

SHB 1128

AS REPORTED BY COMMITTEE ON WAYS & MEANS, APRIL 14, 1993

**Brief Description:** Funding blood and breath alcohol testing programs.

**SPONSORS:** House Committee on Revenue (originally sponsored by Representatives G. Fisher, Holm, Silver, Vance, Edmondson, Heavey, Foreman, Ballard, Brough, Long, Miller and Brumsickle; by request of Washington State Patrol)

**HOUSE COMMITTEE ON REVENUE**

**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:** Tom McBride (786-7448)

**Hearing Dates:** March 31, 1993; April 1, 1993

**SENATE COMMITTEE ON WAYS & MEANS**

**Majority Report:** Do pass as amended.

Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Owen, Pelz, Quigley, Roach, L. Smith, Snyder, Sutherland, Talmadge, West, Williams, and Wojahn.

**Staff:** Cindi Holmstrom (786-7715)

**Hearing Dates:** April 14, 1993

**BACKGROUND:**

Persons convicted of driving a motor vehicle while intoxicated are subject to imprisonment of between 24 hours and one year and fines from \$250 to \$1,000. Repeat offenders are subject to larger fines and longer imprisonment. Fines may be suspended for indigent persons.

The State Toxicology Laboratory performs blood tests if a traffic accident involves a fatality.

State Department of Health and local registrars charge fees for certified birth, death, and other records. From each of these fees, \$3 is deposited in the death investigations account. The State Toxicology Laboratory receives funding from the death investigations account.

**SUMMARY:**

Starting July 1, 1993, and ending June 30, 1995, an additional \$125 fine is assessed against each adult convicted of driving while intoxicated, physical control of a vehicle while intoxicated, vehicular homicide, and vehicular assault. The \$125 fine is assessed against all criminal juvenile offenders. The fine may be reduced if the person does not have the ability to pay. The court retains \$5 to defray costs. Twenty-five dollars is deposited into the highway safety account to be used by the Department of Licensing for administration. If the case involves a blood test then the remaining \$95 is deposited in the death investigations account to be used for funding the State Toxicology Laboratory. Otherwise, the remaining \$95 is deposited in the state patrol highway account for funding the Washington State Patrol breath test program. The Washington State Patrol and the Traffic Safety Commission will study methods for increasing the conviction rate for persons driving while intoxicated.

The distribution of funds does not clarify where the funds should go to if the conviction did not involve a blood test or breath test.

**SUMMARY OF PROPOSED LAW & JUSTICE AMENDMENT:**

The fine applies to adults and juveniles convicted of violating RCW 46.61.502, 46.61.504, 46.61.520 or 46.61.522, receiving a deferred prosecution for those crimes or being convicted of a lesser offense. Forty percent of the fine is split between the county and state; the other 60 percent goes to either the State Toxicology Laboratory or the WSP breath test program.

**SUMMARY OF PROPOSED WAYS & MEANS AMENDMENT:**

The statutory references for the county and state distributions are corrected.

**Appropriation:** none

**Revenue:** yes

**Fiscal Note:** requested March 7, 1993

**TESTIMONY FOR:**

The fine is needed to pay for equipment used in blood and breath tests.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Tim Erickson, WSP (pro); Debby Wilke, Washington Association of Counties (pro, as amended)