

SENATE BILL REPORT

SB 5245

AS PASSED SENATE, FEBRUARY 18, 1993

Brief Description: Regulating the analysis of blood and breath alcohol.

SPONSORS: Senators A. Smith, Quigley, Roach and Winsley; by request of Washington State Patrol

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, Rinehart, and Spanel.

Staff: Lidia Mori (786-7755)

Hearing Dates: January 27, 1993

HOUSE COMMITTEE ON JUDICIARY

BACKGROUND:

Court proceedings regarding alcohol related offenses are commonly time consuming. This is due, in part, to the need for testimony surrounding the exact amount of alcohol in a person's system at the time of the alleged offense. There are currently no time limitations for obtaining samples of blood or breath for analysis in alcohol related offenses. Expert witnesses are required to testify in court as to their opinion on the level of intoxication of the defendant at the time of the alleged offense.

SUMMARY:

Any sample of a person's blood or breath taken within two hours of the alleged offense for the purpose of alcohol content testing, which indicates the person was legally under the influence of intoxicants, will be evidence that the person was also under the influence of intoxicants at the time of the alleged offense.

It is an affirmative defense to an alcohol related offense if a person can prove by a preponderance of the evidence that he or she consumed a sufficient quantity of alcohol after the time of driving or being in actual physical control of a vehicle and before the administration of an analysis of the person's breath or blood so as to cause the person's alcohol concentration to be .10 or more.

There is no limitation on the introduction of other competent evidence that bears upon the issue of whether or not a person was under the influence of intoxicants, including analyses of

blood or breath samples that are obtained more than two hours after the alleged offense.

Appropriation: none

Revenue: none

Fiscal Note: requested

TESTIMONY FOR:

Allowing the analysis of a blood or breath sample taken up to two hours after an alleged alcohol related offense to be considered by the court as evidence that the person involved was under the influence of intoxicants at the time of the alleged offense will help to alleviate the backlog in the processing of DWI cases in the court system.

TESTIMONY AGAINST: None

TESTIFIED: Tim Erickson, Washington State Patrol

HOUSE AMENDMENT(S):

Analyses of blood or breath samples which are obtained more than two hours after a person was alleged to be driving or in actual physical control of a vehicle may be used as evidence that within two hours of the alleged driving or being in actual physical control of a vehicle, the person had a .10 blood/breath alcohol level.