

# HOUSE BILL ANALYSIS

## HB 2205

---

---

**Title:** An act relating to the mandatory court appearance following arrest for DUI.

**Brief Description:** Providing conditions for waiver of the requirement for a mandatory appearance following arrest for DUI.

**Sponsors:** Representatives McDonald, Lovick, Carrell, Constantine and Haigh.

### Brief Summary of Bill

- Allows local courts to waive the requirement that persons arrested for DUI appear in court within one judicial day after arrest.

---

### HOUSE COMMITTEE ON JUDICIARY

**Staff:** Bill Perry (786-7123).

#### Background:

As part of extensive revisions to the state's drunk driving laws, last year the Legislature required that within one judicial day after an arrest for DUI, the defendant must be brought before a judge. The purpose of the appearance is for consideration of the need for imposing conditions on pretrial release. Concern had been expressed that the failure to have a prompt appearance was resulting in problem drivers being released without restrictions on their driving pending trial.

Since the enactment of this prompt appearance requirement, however, some local jurisdictions have expressed concern that it is difficult to comply with.

#### Summary of Bill:

A local court may waive the requirement that a DUI defendant appear before a judge within one judicial day of arrest. The local waiver must provide for appearance of the defendant at the earliest practicable day as defined by local court rule.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

Office of Program Research