

SENATE BILL REPORT

HB 2205

As Reported By Senate Committee On:
Judiciary, April 1, 1999

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 History: Passed House 3/10/99, 97-0.

Committee Activity: Judiciary: 3/31/99, 4/1/99 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Staff: Penny Nerup (786-7484)

Background: Last year the Legislature passed extensive revisions to the state's drunk driving laws. Current law requires that a defendant who is arrested for an offense involving driving while under the influence must be brought before a judge within one judicial day after that arrest.

The purpose of having the appearance within one judicial day is to consider the need for imposing conditions on pretrial release because of concern that failure to have a prompt appearance was resulting in problem drivers being released without any restriction on their driving.

Some jurisdictions suggest that this prompt appearance requirement is difficult to comply with, especially where court does not meet every judicial day.

Summary of Bill: A local court may waive the requirement that a DUI defendant appear before a judge within one judicial day of arrest, providing that appearance be at the earliest practicable day following arrest and that the method for identifying that day be provided for by rule.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Right now persons arrested for a DUI are to appear before the court on the next judicial day. This is a problem for small districts where the court may only meet once or twice a week. Because judicial day is not defined, smaller districts should have the option of determining when the next practicable day occurs and use that for giving conditions of pretrial release. Some small districts already have local rules for persons in custody on a criminal charge.

Testimony Against: None.

Testified: PRO: Kathy Gerke, Association of Washington Counties; Melanie Stewart, Washington State District and Municipal Court Judges Association; Dan Heid, City of Lakewood.