

# HOUSE BILL REPORT

## HB 1243

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### As Passed Legislature

**Title:** An act relating to the admissibility into evidence of a refusal to submit to a test of alcohol or drug concentration.

**Brief Description:** Changing provisions relating to the admissibility into evidence of a refusal to submit to a test of alcohol or drug concentration.

**Sponsors:** By Representatives Hurst, Esser, Carrell, Lovick, Lantz and Lambert.

### Brief History:

#### Committee Activity:

Judiciary: 2/1/01, 2/27/01 [DP].

#### Floor Activity:

Passed House: 3/12/01, 98-0.

Passed Senate: 4/10/01, 47-0.

Passed Legislature.

### Brief Summary of Bill

- Allows a refusal to submit to a drug test under the Implied Consent Law to be admitted into evidence in a criminal trial.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 10 members: Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

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

### Background:

The crime of DUI is committed by driving under the influence of alcohol or drugs.

Under the state's Implied Consent Law, every driver in the state has impliedly agreed to submit to a test of his or her breath or blood when lawfully stopped for DUI. The test may be for alcohol or drugs.

Refusal to submit to a test for alcohol or drugs results in the administrative loss of driving privileges.

The fact of a refusal to submit to a test for alcohol is also admissible in evidence in a criminal trial. There is no express statement to this effect with respect to a refusal to submit to a test for drugs.

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**Summary of Bill:**

The fact of a person's refusal to submit to a drug test under the Implied Consent Law is admissible in a criminal trial.

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**Appropriation:** None.

**Fiscal Note:** Not Requested.

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

**Testimony For:** The bill closes a loophole in the law. It makes the admissibility of evidence rules consistent with the rest of the Implied Consent Law.

**Testimony Against:** None.

**Testified:** Doug Levy and Michelle Walker, city of Kent.