

SENATE BILL REPORT

SB 6495

As Reported By Senate Committee On:
Judiciary, February 6, 2004

Title: An act relating to issuance of infractions and citations.

Brief Description: Authorizing issuance of infractions and citations by electronic device.

Sponsors: Senators Carlson, Eide, Schmidt and Kline; by request of Administrative Office of the Courts.

Brief History:

Committee Activity: Judiciary: 2/5/04, 2/6/04 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Johnson, Kline and Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: A civil infraction is a non-criminal offense for which a fine may be imposed. A person who is issued a civil infraction must sign the notice of infraction and either pay the fine or challenge the infraction. Law enforcement agencies and agencies authorized to issue civil infractions must issue notices of civil infractions from books with notices in quadruplicate. After issuing a civil infraction, the law enforcement officer or other person authorized to do so must deposit the original copy of the notice of infraction with a court of competent jurisdiction. It is official misconduct for a law enforcement officer or other officer or public employee to dispose of a notice of civil infraction, copies of the notice of civil infraction, or the record of the issuance of the notice of civil infraction in a manner not authorized by law.

A traffic enforcement officer may issue a traffic citation whenever a person is arrested for a violation of the traffic laws or regulations that is punishable as a misdemeanor or by imposition of a fine. Traffic enforcement agencies authorized to issue traffic citations must issue notices of the citations in books with citations in quadruplicate. After issuing a civil infraction, the traffic enforcement officer must deposit the original copy of the citation with a court of competent jurisdiction or with its traffic violations bureau. It is official misconduct for a traffic enforcement officer or other officer or public employee to dispose of a traffic citation, copies of the traffic citation, or the record of the issuance of the traffic citation in a manner not authorized by law.

Summary of Bill: Civil infractions and traffic citations may be issued by an electronic device capable of producing a printed copy of the infraction or citation. In addition to being official misconduct, it is unlawful for a law enforcement officer or other officer or public employee to dispose of a notice of civil infraction, copies of the notice of civil infraction, or the record of

the issuance of the notice of civil infraction in a manner not authorized by law. An infraction proceeding is initiated by issuance and service of a printed notice of infraction and filing of a printed or electronic copy of the notice of infraction.

Appropriation: None.

Fiscal Note: Requested on February 3, 2004.

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

Testimony For: This bill allows us to catch up with technological advances. It takes three to five hours each day to enter traffic infractions into a data base. To the extent we can enter these electronically, it will save time and money in the long run.

Testimony Against: None.

Testified: Senator Carlson, prime sponsor; Brett Buckley, Thurston County District Court.