

2SHB 3254 - H AMD 1233

By Representative Pearson

ADOPTED 2/18/2008

1 On page 17, line 19, after "46.61.522;" strike "and"

2

3 On page 17, line 20, after "(b)" insert "The applicant has
4 completed or agreed to complete an alcohol and drug assessment
5 under sections 14 and 15 of this act. If the applicant has not
6 completed an alcohol and drug assessment at the time he or she is
7 applying for an ignition interlock license, the applicant must
8 submit to the department proof of a completed assessment within
9 thirty days of receiving an ignition interlock license; and

10 (c)"

11 On page 17, line 25, after "driver," insert "or if the driver
12 has not completed an alcohol and drug assessment within thirty days
13 of receiving an ignition interlock license,"

14 On page 17, line 31, after "driver," insert "or evidence that
15 the driver has completed an alcohol and drug assessment,"

16 On page 17, line 35, after "driver" insert "or upon submittal
17 of evidence that the driver has completed an alcohol and drug
18 assessment"

19

20 On page 33, after line 19, insert the following:

21

22 "NEW SECTION. **Sec. 14.** A new section is added to chapter
23 46.61 RCW to read as follows:

24 A person applying for an ignition interlock license under
25 section 8 of this act or petitioning for a deferred prosecution
26 under RCW 10.05.020 for a violation of RCW 46.61.502 or 46.61.504
27 shall undergo an alcohol and drug assessment prepared by an
28 alcoholism agency approved by the department of social and health
29 services or a qualified probation department approved by the

1 department of social and health services. The assessment shall be
2 performed in accordance with section 15 of this act.

3 NEW SECTION. **Sec. 15.** A new section is added to chapter
4 70.96A RCW to read as follows:

5 (1) This section applies to alcohol and drug assessments
6 conducted for persons applying for an ignition interlock license
7 under section 8 of this act and persons charged with a violation of
8 RCW 46.61.502 or 46.61.504 who are petitioning for a deferred
9 prosecution under RCW 10.05.020. All such alcohol and drug
10 assessments shall be performed in accordance with this section. If
11 the person is convicted or petitions for a deferred prosecution,
12 the assessment obtained under this section may, at the court's
13 discretion, be used to satisfy the requirements for evaluations and
14 assessments under RCW 46.61.5056 and 10.05.020.

15 (2) Every assessment shall be conducted by a chemical
16 dependency professional certified by the department of health under
17 chapter 18.205 RCW, by a chemical dependency professional trainee
18 who is directly supervised by a supervisor approved under
19 department of health rules, or by a probation assessment officer
20 qualified under department of social and health services rules
21 pursuant to RCW 46.61.516.

22 (3) An evaluation shall be made of a copy of the analysis of
23 the client's blood alcohol level and other drug levels at the time
24 of arrest, if available, and the client's self-reported driving
25 record and a copy of the client's abstract of driving record. The
26 evaluation must include a statement regarding the blood alcohol
27 level and the client's self-reported driving record, and a clinical
28 interpretative statement about the abstract of driving record that
29 includes a fifteen-year history of all alcohol-related convictions
30 and related offenses reduced to lesser offenses, and deferred
31 prosecutions, and how they relate to the assessment and diagnosis.

32 (4) Within five days of a request by the certified chemical
33 dependency professional or trainee conducting an assessment, the
34 court shall provide the professional or trainee with a copy of the
35 client's defendant case history. If the court does not provide the
36 history, the certified chemical dependency professional or trainee
37 shall obtain a release of information from the client to receive a
38 summation of the client's defendant case history using the judicial

1 information system. If the client's defendant case history is not
2 obtained, the circumstances that prevented obtaining the history
3 shall be described in the assessment.

4 (5) A copy of the police report shall be obtained in cases
5 where the blood or breath alcohol concentration test was refused.
6 If the police report was not reviewed in cases of refusal,
7 circumstances preventing such efforts shall be included in the
8 assessment.

9 (6) A drug screen shall be obtained in accordance with rules
10 adopted by the department. Results are to be assessed and included
11 in the written assessment and recommendations. If a request for
12 drug screen is refused, circumstances surrounding the refusal shall
13 be described in the assessment.

14 (7) The department shall adopt rules to implement this
15 section."
16

17 Renumber the remaining sections consecutively and correct the
18 title.

EFFECT: Requires an applicant for an ignition interlock
license to complete an alcohol and drug assessment either
before the license is issued or within 30 days of receiving the
license. Requires uniform standards for alcohol and drug
assessments.

Requires assessments to include:

- an evaluation of the person's: (a) BAC level at the time of arrest; (b) self-reported driving record; and (c) abstract driving record that includes a 15 year history of all alcohol-related convictions;
- the person's defendant case history from the court or a statement describing the circumstances that prevented obtaining a defendant case history;
- a copy of the police report if a BAC test was refused;
- a drug screen with a written assessment and recommendations, or a statement describing circumstances surrounding the refusal to do a drug screen.

Requires assessments to be conducted by a chemical dependency professional certified by the department of health, a trainee, or a probation assessment officer qualified under the department of social and health services rules.

Requires persons applying for deferred prosecutions of DUI charges to also undergo assessments under the uniform standards.