

HOUSE BILL REPORT

HB 1340

As Reported by House Committee On:
Judiciary

Title: An act relating to standardized chemical dependency assessment protocols.

Brief Description: Establishing standardized chemical dependency assessment protocols.

Sponsors: Representatives Pearson, Moeller, O'Brien, Lovick and Upthegrove.

Brief History:

Committee Activity:

Judiciary: 2/9/07, 2/20/07 [DPS].

Brief Summary of Substitute Bill

- Provides uniform standards for alcohol and drug assessments of persons charged with driving under the influence of intoxicating liquor or any drug (DUI).

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Kirby, Moeller, Pedersen, Ross and Williams.

Staff: Trudes Tango (786-7384).

Background:

As part of his or her sentence, a person convicted of driving while under the influence of intoxicating liquor or any drug (DUI) is required to undergo "alcohol assessment and treatment."

The treatment consists of completing an alcohol information course approved by the Department of Social and Health Services (DSHS) or completing a more intensive treatment program approved by the DSHS, as determined by the sentencing court.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

To determine which option to impose, the court must direct a DSHS-approved alcoholism agency or the court's own DSHS-approved probation department to prepare a diagnostic evaluation and treatment recommendation. The DSHS is responsible for setting standards for alcohol treatment programs.

If a person has been arrested for DUI, he or she may petition the court for a deferred prosecution as long as he or she has not previously been granted a deferral. If the petition is granted, the person's prosecution is deferred pending his or her successful completion of alcohol or drug treatment. In order to get a deferral, the petitioner must demonstrate to the satisfaction of the court that, among other things, his or her DUI was the result of alcoholism or drug addiction. The petition must contain a "case history and written assessment" that has been prepared by a DSHS-approved alcoholism or drug program.

Although these statutes require the DSHS to set standards for treatment programs, they do not provide for or require standardized assessment procedures.

Summary of Substitute Bill:

Requirements are established for alcohol and drug dependency assessments done on persons charged with DUI. The assessment must be done by a certified chemical dependency professional or a supervised trainee who is qualified under rules of the Department of Health, or by a probation assessment officer qualified under the DSHS rules. If the person petitions for deferred prosecution or is convicted, the assessment may be used to satisfy the evaluation and assessment requirements for petitioning for a deferral or sentencing.

An assessment must include:

- available information on the client's blood alcohol level and other drug levels at the time of arrest;
- an evaluation of the client's self-reported driving record;
- a clinical interpretative statement of the client's abstract of driving record that includes a 15 year history of all alcohol-related convictions, including related offenses that were reduced to lesser offenses, and deferred prosecutions;
- the person's defendant case history, or a statement describing the circumstances that prevented obtaining such history;
- a copy of the police report if the person refused a blood or breath test, or a statement describing the circumstances preventing the review of the police report; and
- a drug screen obtained in accordance with the DSHS rules, or if a request for drug screen is refused, a statement describing the circumstances surrounding the refusal.

When requested by the certified chemical dependency professional or trainee, the court must provide the defendant's case history within five days of the request. If the court does not provide the history, a release of information must be obtained from the client to receive a summation of the client's defendant case history using the judicial information system.

Substitute Bill Compared to Original Bill:

The original bill: (a) applied to persons convicted of DUI, as opposed to persons charged with DUI; (b) required the assessor to obtain the defendant's criminal history and a drug screen urinalysis if the initial finding is other than substance dependence; and (c) required a standardized form to be used for assessment summaries.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) The standards in this bill are in the interest of public safety, but the bill should apply to people charged with DUI, not just convicted. Requiring drug testing is essential for assessments. Most people who are booked for an offense have drugs in their system. Drug testing is an objective tool to effectively evaluate clients. Clients do not always tell an accurate history of their usage. Repeat DUI offenders are often in denial that they have a problem. Drug testing will lead to better assessments.

(Opposed) While this is a better bill than the original, there is still the issue of costs to public providers. Public providers only get funded for less than the actual cost of an assessment. Public providers lose money each time the cost of assessments increase. By contract with the state, public providers are required to follow evidence-based practices. These contract requirements might conflict with how others want assessments to be done.

Persons Testifying: (In support) Representative Pearson, prime sponsor; Representative Moeller; Fred Walser, Washington Association of Sheriffs and Police Chiefs; Conrad Thompson, Snohomish County DUI Task Force; Donald Cox, A New Spirit Recovery Program, Inc.; and Greg Bauer, Alpine Recovery Services.

(Opposed) Linda Grant, Association of Alcoholism and Addiction Programs.

Persons Signed In To Testify But Not Testifying: None.