
**Early Learning & Children's Services
Committee**

HB 3124

Brief Description: Requiring a report to child protective services when a child is present in the vehicle of a person arrested for driving or being in control of a vehicle while under the influence of alcohol or drugs.

Sponsors: Representatives Roberts, Kagi, Simpson and Kenney.

Brief Summary of Bill

- Requires law enforcement to notify child protective services when a child is present in the car of a driver being arrested for driving or being in control of a vehicle while under the influence of alcohol of drugs.

Hearing Date: 1/28/10

Staff: Sydney Forrester (786-7120).

Background:

Certain persons are required by law to notify child protective services or law enforcement when they have reasonable cause to believe a child has been abused or neglected. These persons are commonly called mandated reporters. As defined in state law, *negligent treatment or maltreatment* means an act or failure to act that "evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, or safety."

In a study of collisions involving drunk driving when children were present in the car during the years 1997 to 2002, 1,451 children were killed. This represents 68 percent of all child deaths from vehicle collisions. Of the children who died in these crashes, less than a third were properly buckled in a child safety restraint.

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.

Several states have laws addressing the increased risk created by driving while intoxicated with children in the car. These statutes fall into three general categories:

- **Separate Offense:** driving while under the influence of alcohol or drugs with a minor in the car is a distinct offense separate from other driving-while-intoxicated offenses.
- **Enhanced Penalty:** additional penalties are required when a defendant drives impaired with a child in the car.
- **Aggravating Circumstance:** the judge or jury may consider the existence of a child passenger as an aggravating factor for sentencing purposes.

Summary of Bill:

The Legislature finds that a person driving or being in control of a vehicle while under the influence of alcohol or drugs is evidencing a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's safety.

When a child is in the car of a person being arrested for driving under the influence of alcohol or drugs or being in control of a vehicle under the influence of alcohol or drugs, the arresting law enforcement officer must promptly notify child protective services. The officer is not required to take custody of the child, unless there is no one properly authorized to take custody of the child or the officer believes the child will be at imminent risk unless taken into emergency custody.

Appropriation: None.

Fiscal Note: Not requested.

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