

SENATE BILL REPORT

SHB 3124

As Reported by Senate Committee On:
Human Services & Corrections, February 25, 2010

Title: An act relating to 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.

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: House Committee on Early Learning & Children's Services (originally sponsored by Representatives Roberts, Kagi, Simpson and Kenney).

Brief History: Passed House: 2/13/10, 94-0.

Committee Activity: Human Services & Corrections: 2/18/10, 2/25/10 [DPA].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass as amended.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell and McAuliffe.

Staff: Jennifer Strus (786-7316)

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. Currently, law enforcement officers are mandated reporters.

Summary of Bill (Recommended Amendments): A law enforcement officer must promptly notify CPS whenever a child under the age of 10 is in a car being driven by the child's parent, guardian, or legal custodian and that person is being arrested for a drug- or alcohol-related driving offense. The officer is not required to take custody of the child, unless there is no other responsible person or an agency having the right to physical custody of the child or the officer has probable cause to believe the child has been abused or neglected or there is a court order requiring the officer to take the child into custody.

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.

EFFECT OF CHANGES MADE BY HUMAN SERVICES & CORRECTIONS COMMITTEE (Recommended Amendments): The age of the child is changed from 18 to 10. The driver being arrested must be the child's parent, guardian, or legal custodian.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: The focus of this bill is really directed at small children who are in the car with their parent when the parent is arrested for driving while under the influence of drugs or alcohol. If CPS is notified, they may be able to help the family in these situations.

Persons Testifying: PRO: Representative Roberts, prime sponsor.