

SENATE BILL REPORT

SB 5195

As of January 19, 2011

Title: An act relating to requiring information to be filed by the prosecuting attorney for certain violations under driving while license is suspended or revoked provisions.

Brief Description: Requiring information to be filed by the prosecuting attorney for certain violations under driving while license is suspended or revoked provisions.

Sponsors: Senators Kline, Regala and Hargrove.

Brief History:

Committee Activity: Judiciary: 1/19/11.

SENATE COMMITTEE ON JUDICIARY

Staff: Lidia Mori (786-7755)

Background: Driving while license suspended or revoked (DWLS 3) is a misdemeanor and it can be committed under a variety of circumstances. A person commits DWLS 3 by driving a motor vehicle when the person's driver's license is suspended or revoked because the person has (1) failed to respond to a notice of traffic infraction; (2) failed to appear at a requested hearing; (3) violated a written promise to appear in court; or (4) failed to comply with the terms of a notice of traffic infraction or citation. There are also several other behaviors which constitute DWLS 3.

There are approximately 100,000 cases of DWLS 3 filed annually. Because DWLS 3 is a criminal offense, every driver that is either cited and released, or booked into custody is given a court date. In prosecuting the case, the prosecutor must provide discovery to the defense attorney, subpoena the Department of Licensing to establish the status of the defendant's driving privilege, and subpoena the law enforcement officer who noticed the driving behavior. Many of these defendants are eligible for a public defender due to the defendant's economic status.

Summary of Bill: A person who is alleged to have committed the offense of DWLS 3 due to the person's failure to respond to a notice of traffic infraction, failure to appear at a requested hearing, violation of a written promise to appear in court, or failure to comply with the terms of a notice of traffic infraction or citation is required to answer in a court only when information is filed by the prosecuting attorney.

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.

Appropriation: None.

Fiscal Note: Requested on January 18, 2011.

Committee/Commission/Task Force Created: No.

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