
SENATE BILL 5023

State of Washington

63rd Legislature

2013 Regular Session

By Senator Padden

Read first time 01/14/13. Referred to Committee on Law & Justice .

1 AN ACT Relating to college DUI courts; amending RCW 2.28.175;
2 creating a new section; and providing an effective date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that alcohol abuse
5 on college campuses is a problem of state and national significance
6 leading to increased risk of death, injury, and sexual assault.
7 According to a recent study, one thousand eight hundred twenty-five
8 college students between the ages of eighteen and twenty-four die from
9 alcohol-related unintentional injuries, including motor vehicle
10 crashes. Five hundred ninety-nine thousand students between the ages
11 of eighteen and twenty-four are unintentionally injured under the
12 influence of alcohol and ninety-seven thousand students between the
13 ages of eighteen and twenty-four are victims of alcohol-related sexual
14 assault or date rape. Students who abuse alcohol are more likely to
15 struggle academically, and over 3.3 million college students drive
16 under the influence.

17 (2) While the legislature passed RCW 2.28.175 providing for DUI
18 courts during the 2012 session, the legislature finds that college
19 campuses present specialized risk and opportunity to address alcohol

1 abuse. In order to give colleges, law enforcement, courts, students,
2 and families more options, the legislature finds that college DUI
3 courts would be helpful in combating this difficult social problem.

4 **Sec. 2.** RCW 2.28.175 and 2012 c 183 s 1 are each amended to read
5 as follows:

6 (1) Counties may establish and operate DUI courts. Municipalities
7 may enter into cooperative agreements with counties that have DUI
8 courts to provide DUI court services.

9 (2) For the purposes of this section, "DUI court" means a court
10 that has special calendars or dockets designed to achieve a reduction
11 in recidivism of impaired driving among nonviolent, alcohol abusing
12 offenders, whether adult or juvenile, by increasing their likelihood
13 for successful rehabilitation through early, continuous, and intense
14 judicially supervised treatment; mandatory periodic testing for alcohol
15 use and, if applicable, drug use; and the use of appropriate sanctions
16 and other rehabilitation services.

17 (3)(a) Any jurisdiction that seeks a state appropriation to fund a
18 DUI court program must first:

19 (i) Exhaust all federal funding that is available to support the
20 operations of its DUI court and associated services; and

21 (ii) Match, on a dollar-for-dollar basis, state moneys allocated
22 for DUI court programs with local cash or in-kind resources. Moneys
23 allocated by the state must be used to supplement, not supplant, other
24 federal, state, and local funds for DUI court operations and associated
25 services. However, until June 30, 2014, no match is required for state
26 moneys expended for the administrative and overhead costs associated
27 with the operation of a DUI court established as of January 1, 2011.

28 (b) Any jurisdiction that establishes a DUI court pursuant to this
29 section shall establish minimum requirements for the participation of
30 offenders in the program. The DUI court may adopt local requirements
31 that are more stringent than the minimum. The minimum requirements
32 are:

33 (i) The offender would benefit from alcohol treatment;

34 (ii) The offender has not previously been convicted of a serious
35 violent offense or sex offense as defined in RCW 9.94A.030, vehicular
36 homicide under RCW 46.61.520, vehicular assault under RCW 46.61.522, or
37 an equivalent out-of-state offense; and

1 (iii) Without regard to whether proof of any of these elements is
2 required to convict, the offender is not currently charged with or
3 convicted of an offense:

4 (A) That is a sex offense;

5 (B) That is a serious violent offense;

6 (C) That is vehicular homicide or vehicular assault;

7 (D) During which the defendant used a firearm; or

8 (E) During which the defendant caused substantial or great bodily
9 harm or death to another person.

10 (4) Counties may establish and operate college DUI courts.
11 Municipalities may enter into cooperative agreements with counties that
12 have college DUI courts to provide college DUI court services. For the
13 purposes of this subsection, a college DUI court has the same meaning
14 and is subject to the same requirements as a DUI court in this section,
15 with the following additional criteria:

16 (a) Only students currently admitted to an institution of higher
17 education or colleges in the state are eligible to participate in a
18 college DUI court;

19 (b) College DUI courts may be physically located in appropriate
20 facilities on college campuses for the convenience of students,
21 judicial and law enforcement personnel, and college administration or
22 other participating or administering the college DUI courts; and

23 (c) In addition to the requirements imposed by an official
24 overseeing the college DUI courts, the institution of higher education
25 or college may also impose conditions pursuant to its student conduct
26 code on the student including, but not limited to, withholding a
27 diploma from the student until the student has successfully completed
28 a college DUI court.

29 NEW SECTION. Sec. 3. This act takes effect January 1, 2014.

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