



## Annual Security Report – 2016

In accordance with the reporting requirements of the Institutional security policies and crime statistics, Northwest College of Art & Design has made the following information available to me:

- 1) The crime statistics for the three most recent calendar years concerning the occurrence of crimes on campus, in or on non-campus buildings or property, and on public property on or adjacent to the campus that are reported to local police agencies or to a campus security authority. Statistics will be provided on the following crimes: (a)Criminal homicide; (b)Murder and non-negligent manslaughter; (c)Negligent manslaughter; (d)Sex offenses; (e)Robbery; (f)Aggravated assault; (g)Burglary; (h)Motor vehicle theft; (i)Arson; (j)Arrests for liquor law violations, drug law violations, and illegal weapons possession; (k)Persons not included in (j) of this section, who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession; (l) Hate crimes reported by category of prejudice, any crime that is reported pursuant to (a - j) of this section, and any other crime involving bodily injury reported to local police agencies or to a campus security authority that manifest evidence that the victim was intentionally selected because of the victim’s actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability.
- 2) A statement of current campus policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus including policies for making timely warning reports to members of the campus community regarding the occurrence of crimes described in section 1; policies for preparing the annual disclosure of crime statistics; and a list of the titles of each person or organization to whom students and employees should report the criminal offenses described in section 1.
- 3) A statement of current policies concerning security of and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.
- 4) A statement of current policies concerning campus law enforcement that--
  - a) Addresses the enforcement authority of security personnel, including their relationship with State and local police agencies and whether those security personnel have the authority to arrest individuals;
  - b) Encourages accurate and prompt reporting of all crimes to the appropriate police agencies; and
  - c) Describes procedures, if any, that encourage pastoral or professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
- 5) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.
- 6) A description of programs designed to inform students and employees about the prevention of crimes.
- 7) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity in which students engaged at off-campus locations of student organizations officially recognized by the institution, including student organizations with off-campus housing facilities.
- 8) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws.
- 9) A statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of any drug or alcohol abuse and a description of drug and alcohol-abuse education programs, as required under section 120 (a) through (d) of the HEA.
- 10) A statement of policy regarding the institution’s campus sexual assault programs to prevent sex offenses, and procedures to follow when a sex offense occurs.
- 11) The web address in the local area for registered sex offenders.

Name (print) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

## 1) CRIME STATISTICS-

On Campus	2014	2015	2016
a) Criminal homicide	0	0	0
b) Murder and non-negligent manslaughter	0	0	0
c) Negligent manslaughter	0	0	0
d) Sex offenses:	0	0	0
-Forcible sex offenses	0	0	0
-Non-forcible sex offenses	0	0	0
e) Robbery	0	0	0
f) Aggravated assault	0	0	0
g) Burglary	0	0	0
h) Motor vehicle theft	0	0	0
i) Arson	0	0	0
j) Arrests for liquor law violations, drug law violations, and illegal weapons possession	0	0	0
k) Persons not included in (j) of this section, who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession	0	0	0
l) Hate crimes reported by category of prejudice, any crime that is reported pursuant to (a - j) of this section, and any other crime involving bodily injury reported to local police agencies or to a campus security authority that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability.	0	0	0

### Non-campus

Northwest College of Art & Design has no "non-campus" buildings. The definition for non-campus is any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same contiguous geographic area of the institution.

### Public Property

The institution is required to make a reasonable, good faith effort, to obtain crime statistics on public property immediately adjacent to our campus. We have contacted the Kitsap County Sheriff's office who informed our staff of the crime statistics for this category. They report there was zero crime reported for the search dates of 1/1/2016 to 12/31/2016 for activity on or adjacent to school property.

## 2) CAMPUS CRIME REPORTING

In case of emergency or criminal action individuals should immediately report the incident to the administration.

In serious cases the staff will call 911 for emergency assistance. In the interest of campus safety, the campus community will be notified of the occurrence of any crimes described on page 1 of this packet within a timely manner. The identities of the victims will not be disclosed. A report of the crime or emergency will be made and recorded in the NCAD crime log. Statistical information will be gathered each year from the campus crime log, the local sheriffs department and compiled into the annual crime report which will be published each fall on the NCAD website.

## 3) CAMPUS SECURITY AND ACCESS

Campus security is maintained by the NCAD staff. Should there be a serious emergency or occurrence of crime the staff will call 911 for emergency assistance. In the event that onsite security is necessary to keep the peace, the Director may opt to retain off duty police officers to patrol the campus.

There is a single entrance to the campus off of State Highway 305. The College does not have a guard at the entrance and the campus is open to the public during school hours. The Northwest College of Art & Design buildings are locked and a security system activated after business hours. The campus is not open to students or employees after hours unless special permission has been obtained from the President. NCAD does not have campus residences at this time.

Security considerations used in the maintenance of campus facilities include campus and parking lot lighting, parking tags for cars allowed to park on campus, security and fire alarm systems, and reviews of campus facilities for safety.

#### **4) CAMPUS LAW ENFORCEMENT**

The enforcement of campus rules and regulations are the responsibility of the College President. The penalty for breaking these rules and regulations can be found in the college catalog (for students) and the employee manual (for staff) and can include immediate suspension or dismissal in accordance with the seriousness of the act.

The College asks for the assistance of local police authorities in cases needing criminal law enforcement. College employees have the right to hold individuals until authorities arrive but do not have the ability to arrest individuals. In order to protect the entire campus community it is imperative that individuals report crimes to the main office and police authorities. NCAD encourages our student advisor, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

#### **5 - 6) CAMPUS SECURITY PROGRAMS**

The College offers annual campus safety and sexual harassment seminars to both employees and students. Participants are strongly encouraged to be responsible for their own security and safety and the security of others. In addition to the seminars, pamphlets are available in the student lounge that discuss safety issues and information on alcohol and drugs.

The school employs a Student Advisor to assist any individual needing advice, counseling referral, etc.

#### **7) OFF CAMPUS STUDENT ORGANIZATIONS**

The College does not have any off campus locations used for student organizations, education or housing.

#### **8 - 9) DRUGS AND ALCOHOL ON CAMPUS**

Students and employees are prohibited from the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol anywhere on property belonging to Northwest College of Art & Design including grounds, buildings, parking areas or while participating in school related activities. Students or employees who violate this policy will be subject to disciplinary action up to and including expulsion from training or termination of employment and referral for prosecution of the standards of conduct. As an on-going condition of employment, employees are required to abide by this prohibition and to notify, in writing and within five (5) days of the violation, her/his management of any criminal drug statute conviction they receive.

In accordance with Washington Law:

- 1) The legal drinking age in Washington State is 21. Persons under the age of 21 may not consume, purchase or possess alcohol.
- 2) It is unlawful for persons under the age of 21 to misrepresent one's age for the purpose of purchasing alcohol.
- 3) Alcohol includes: beer, wine, grain alcohol and liqueur.
- 4) It is illegal to possess, consume and, or sell illicit drugs.
- 5) Illegal drugs include but are not limited to the following non-prescription substances: narcotics, depressants, stimulants, hallucinogens and cannabis.

Drugs and their dangers vary. Some have legitimate medical uses but can lead to psychological and physical dependence. Others so affect the central nervous system that they render the users dangerous to themselves and those around them. The College recognizes that drug and alcohol abuse and dependence can cause harmful effects to virtually every aspect of a person's life, including: relationships, family, employment, and school as well as physical and emotional health. Any student or employee who suspects they may be at risk or who knows someone who is, is invited to seek services which can help. A list of support services in the Puget Sound area is listed below. The College also offers information on drugs and alcohol in the student lounge and provides a college life class where the topic of drug and alcohol prevention is discussed.

Any student or employee with concerns regarding drug and alcohol use or for further information on education and services in the community may speak with Craig Freeman. Students may also speak with the NCAD Student Advisor for assistance on drug and alcohol issues.

Drug and alcohol abuse information and treatment centers:

- 24 hour crises hotline 800-843-4793
- Alcoholics Anonymous 800-562-7455
- Al-anon info services 866-452-6973
- Narcotics Anonymous 866-266-5991
- Kitsap Mental Health 360-373-3425

Charts outlining health risks of abuse of drugs and Federal trafficking penalties may be found in the back of this packet.

#### **10) SEXUAL ASSAULT PROGRAM.**

The College has available to students and employees free pamphlets in the student lounge to promote awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses. The College also conducts an annual seminar on campus crime that discusses sexual assault.

### Procedures to follow if a sex offense occurs

1. Immediately tell the first person you see, and point out the attacker if possible.
2. Don't shower, douche, change clothes or apply medication. Don't disturb anything in the place where the attack occurred.
3. Report the attack to the police. If you're of legal age, this decision is yours. Remember that reporting attacks is an important part of ending violence - but you should be comfortable with whatever decision you make. An administrative staff person is available to help you contact the police.
4. Call a friend, teacher or administrator so someone can be with you.
5. Get medical attention at an emergency department in a medical center. Cooperate with medical personnel and police. They're trying to help you.
6. Report the sexual assault to an administrative staff person.

A staff person will provide the victim with a listing of local mental health counseling off campus and refer the victim to on campus counseling. NCAD will change a victim's academic schedule after an alleged sex offense if those changes are requested by the victim and are reasonably available. NCAD does not offer student housing and therefore has no control over the student's living situation.

On campus disciplinary proceedings:

- the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding and:
- both the accuser and the accused shall be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense. Compliance with this paragraph does not constitute a violation of the Family Educational Rights Act. For the purpose of this paragraph, the outcome of a disciplinary proceeding means only the institutions final determination with respect to the alleged sex offense and any sanction that is imposed on the accused.

The College will take appropriate disciplinary action against a student or employee up to and including expulsion or termination of employment following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses.

11) Information on registered sex offenders in Kitsap County can be found at <https://www.co.pierce.wa.us/1963/Sex-Offender-Crime-Statistic-Information>. Once at the home page, complete a search for "sex offenders".

### FEDERAL DRUG LAWS

The possession, use, or distribution of illicit drugs is prohibited by federal law. Strict penalties are provided for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

#### A. Denial of Federal Benefits (21 USC §862)

A federal drug conviction may result in the loss of federal benefits, including school loans, grants, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to 5 years for a first conviction, 10 years for a second conviction, and permanent denial of federal benefits for a third conviction. Federal drug convictions for possession may result in denial of federal benefits for up to 1 year for a first conviction and up to 5 years for subsequent convictions.

#### B. Forfeiture of Personal Property and Real Estate (21 USC §853)

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

#### C. Federal Drug Trafficking Penalties (21 USC §841)

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The following list is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces a prison term of not less than 20 years, but not more than life, and fines ranging up to \$8 million.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a University (21 USC §860) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

**D. Federal Drug Possession Penalties (21 USC §844)**

See the [Possession Penalties Chart](#) for specific substance penalties

Persons convicted on federal charges of possessing any controlled substance face penalties of up to 1 year in prison and a minimum fine of \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than 2 years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than 3 years in prison and a minimum fine of \$5,000.

Special sentencing provisions for possession of crack cocaine impose a mandatory prison term of not less than 5 years but not more than 20 years and a minimum fine of \$1,000, or both, if:

- a. it is a first conviction and the amount of crack possessed exceeds 5 grams;
- b. it is a second conviction and the amount of crack possessed exceeds 3 grams;
- c. it is a third or subsequent crack conviction and the amount exceeds 1 gram.

Civil penalties of up to \$10,000 may also be imposed for possession of small amounts of controlled substances, whether or not criminal prosecution is pursued.

Special sentencing provisions for possession of Flunitrazepam (Rohypnol, "roofies" or "roaches") impose a prison term of not more than 3 years, a fine up to \$5,000, or both.

**Federal Drug Possession Penalties**

Substance	Amount	Penalty
Heroin	1 kg. or more	<b>Prison:</b> Not less than <b>10 years</b> , not more than <b>life</b> . <b>Fine:</b> up to <b>\$4 million</b> .
Cocaine	5 kg. or more	
Crack Cocaine	50 gm. or more	
Methamphetamine	100 gm. or more	
PCP	100 gm. or more	
LSD	10 gm. or more	
Marijuana	1,000 kg. or more	
N-Phenyl-N-propanamide	400 gm. or more	
Heroin	100 999 gm.	<b>Prison:</b> Not less than 5 years, not more than <b>40 years</b> . <b>Fine:</b> up to <b>\$2 million</b> .
Cocaine	500 4,999 gm.	
Crack Cocaine	5-49 gm.	
PCP	10-99 gm.	
Methamphetamine	10-99 gm.	
LSD	1-10 gm.	
Marijuana	100-1,000 kg.	
N-Phenyl-N-propanamide	40-399 gm.	
Amphetamines	Any amount	<b>Prison:</b> up to <b>3 years</b> . <b>Fine:</b> up to <b>\$250,000</b>
Barbiturates	Any amount	
Marijuana	50-100 kg.	<b>Prison:</b> up to <b>20 years</b> . <b>Fine:</b> up to <b>\$1 million</b> .
Hashish	10-100 kg.	
Hash Oil	1-100 kg.	
Flunitrazepam (Rohypnol, "roofies", or "roaches")	1 gm.	
Marijuana	less than 50 kg.	
Hashish	less than 10 kg.	<b>Prison:</b> up to <b>5 years</b> . <b>Fine:</b> up to <b>\$250,000</b> .
Hash Oil	less than 1 kg.	
Flunitrazepam (Rohypnol, "roofies", or "roaches")	less than 30 mg.	

## WASHINGTON STATE DRUG LAWS (RCW 69.50)

The following is a partial list of illicit drugs considered to be controlled substances by the State of Washington:

Narcotics (opium and cocaine, and all drugs extracted, derived, or synthesized from opium and cocaine, including crack cocaine and heroin); Marijuana; Methamphetamine Barbiturates; and Hallucinogenic Substances (LSD, peyote, mescaline, psilocybin, PCP, THC, MDA, STP).

### A. State Penalties for Illegal Sale of Controlled Substances

The illegal sale of any controlled substance is punishable by up to 5 years in prison, \$10,000 fine, or both.

### B. State Penalties for Illegal Manufacture or Delivery of Controlled Substances

Narcotics – Up to 10 years in prison, \$25,000 to \$100,000 fine, or both.

Non-narcotics – Up to 5 years in prison, \$10,000 fine, or both.

### C. State Penalties for Possession of Controlled Substances

- Possession of any controlled substance is punishable by up to 5 years in prison, a \$10,000 fine, or both.
- Possession of less than 40 grams of marijuana and possession of drug paraphernalia are misdemeanors in the State of Washington.
- More severe penalties are provided for persons convicted of providing controlled substances to minors, repeat offenses, and on or near schools or parks.

## HEALTH RISKS

Substance	Some Possible Long-Term Effects
Alcohol	Toxic psychosis, physical dependence, neurological and liver damage, fetal alcohol syndrome, impaired judgment
Amphetamines (Uppers, speed, crank)	Loss of appetite, delusions, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis, rebound depression
Barbiturates (Barbs, bluebirds, blues)	Severe withdrawal symptoms, possible convulsions, toxic psychosis, depression, physical dependence, impaired judgment
Benzodiazepines (Valium, Xanax, Ativan, Dalmane, Rohypnol) (benzos, Downers, sleepers, tranqs, roofies)	Impaired judgment, sedation, panic reaction, seizures, psychological dependence, physical dependence
Cocaine & Cocaine freebase coke	Loss of appetite, depression, weight loss, seizure, heart attack, stroke, hypertension, psychosis, chronic cough, nasal passage injury, hallucinations
Codeine	Physical dependence, constipation, loss of appetite, lethargy, respiratory depression
Heroin (H, junk, smack)	Physical dependence, constipation, loss of appetite, lethargy, respiratory depression
Inhalants (Ames, gas, laughing gas, poppers, Snappers)	Psychological dependence, psychotic reactions, confusion, frozen airway, sudden death
LSD	May intensify existing psychosis, panic reactions, can interfere with psychological adjustment and <i>(acid) social functioning, insomnia, flashbacks</i>
MDA, MDMA, MOMA (ecstasy, xtc)	Same as LSD, sleeplessness, nausea, confusion, increased blood pressure, sweating, paranoia
Marijuana (cannabis, pot, grass, dope, weed, joints)	Bronchitis, conjunctivitis, mood swings, paranoia, lethargy, impaired concentration
Mescaline (peyote cactus, Mesc, peyote)	May intensify existing psychosis, hallucinations at high dose
Methaqualone (Ludes)	Coma, convulsions
Morphine (M, morf)	Physical dependence, constipation, loss of appetite, lethargy
PCP (Crystal, tea, angel dust)	Psychotic behavior, violent acts, psychosis, hallucinations at high dose
Psilocybin (magic mushrooms, shrooms)	May intensify existing psychosis
Steroids ( <i>roids, juice</i> )	Cholesterol imbalance, acne, baldness, anger management problems, masculinization of women, breast enlargement in men, premature fusion of long bones preventing attainment of normal height, atrophy of reproductive organs, impotence, reduced fertility, stroke, hypertension, congestive heart failure, liver damage, depression

# STATE OF WASHINGTON – TRAFFIC SAFETY COMMISSION

## RCW 46.61.502

### Driving under the influence. (Effective July 1, 2007.)

(1) A person is guilty of driving while under the influence of intoxicating liquor or any drug if the person drives a vehicle within this state:

(a) And the person has, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW [46.61.506](#); or

(b) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(c) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this section.

(3) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(b) or (c) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class C felony punishable under chapter [9.94A](#) RCW, or chapter [13.40](#) RCW if the person is a juvenile, if: (a) The person has four or more prior offenses within ten years as defined in RCW [46.61.5055](#); or (b) the person has ever previously been convicted of vehicular homicide while under the influence of intoxicating liquor or any drug, RCW [46.61.520](#)(1)(a), or vehicular assault while under the influence of intoxicating liquor or any drug, RCW [46.61.522](#)(1)(b).

[2006 c 73 § 1; 1998 c 213 § 3; 1994 c 275 § 2; 1993 c 328 § 1; 1987 c 373 § 2; 1986 c 153 § 2; 1979 ex.s. c 176 § 1.]

### Notes:

**Rules of court:** Bail in criminal traffic offense cases -- Mandatory appearance -- CrRLJ 3.2.

**Effective date -- 2006 c 73:** "This act takes effect July 1, 2007." [2006 c 73 § 19.] **Effective date -- 1998 c 213:** See note following RCW [46.20.308](#).

**Short title -- Effective date -- 1994 c 275:** See notes following RCW [46.04.015](#). **Legislative finding, purpose -- 1987 c 373:** "The legislature finds the existing statutes that establish the criteria for determining when a person is guilty of driving a motor vehicle under the influence of intoxicating liquor or drugs are constitutional and do not require any additional criteria to ensure their legality. The purpose of this act is to provide an additional method of defining the crime of driving while intoxicated. This act is not an acknowledgement that the existing breath alcohol standard is legally improper or invalid."  
[1987 c 373 § 1.]

**Severability -- 1987 c 373:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 373 § 8.]

**Severability -- 1979 ex.s. c 176:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 ex.s. c 176 § 8.]

Business operation of vessel or vehicle while intoxicated: RCW [9.91.020](#).

Criminal history and driving record: RCW [46.61.513](#).

Operating aircraft recklessly or under influence of intoxicants or drugs: RCW [47.68.220](#).

Use of vessel in reckless manner or while under influence of alcohol or drugs prohibited: RCW [79A.60.040](#).

**Washington State Law - RCW 46.61.503**  
**Driver under twenty-one consuming alcohol -- Penalties.**

(1) Notwithstanding any other provision of this title, a person is guilty of driving or being in physical control of a motor vehicle after consuming alcohol if the person operates or is in physical control of a motor vehicle within this state and the person:

(a) Is under the age of twenty-one;

(b) Has, within two hours after operating or being in physical control of the motor vehicle, an alcohol concentration of at least 0.02 but less than the concentration specified in [RCW 46.61.502](#), as shown by analysis of the person's breath or blood made under [RCW 46.61.506](#).

(2) It is an affirmative defense to a violation of subsection (1) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of driving or being in physical control and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be in violation of subsection (1) of this section within two hours after driving or being in physical control. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the earlier of: (a) Seven days prior to trial; or (b) the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(3) Analyses of blood or breath samples obtained more than two hours after the alleged driving or being in physical control may be used as evidence that within two hours of the alleged driving or being in physical control, a person had an alcohol concentration in violation of subsection (1) of this section.

(4) A violation of this section is a misdemeanor.

[1998 c 213 § 4; 1998 c 207 § 5; 1998 c 41 § 8; 1995 c 332 § 2; 1994 c 275 § 10. Formerly RCW 46.20.309.]

**NOTES:**

**Reviser's note:** This section was amended by 1998 c 41 § 8, 1998 c 207 § 5, and by 1998 c 213 § 4, each without reference to the other. All amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Effective date -- 1998 c 213:** See note following [RCW 46.20.308](#).

**Effective date -- 1998 c 207:** See note following RCW 46.61.5055.

**Intent -- Construction -- Effective date -- 1998 c 41:** See notes following RCW 46.20.265.

**Severability -- Effective dates -- 1995 c 332:** See notes following RCW 46.20.308.

**Short title -- Effective date -- 1994 c 275:** See notes following RCW 46.04.015.