

HOUSE BILL REPORT

HB 1385

As Reported By House Committee On:
Judiciary

Title: An act relating to penalties for driving under the influence of liquor or drugs.

Brief Description: Establishing mandatory fines for persons convicted of drunk driving while transporting minors.

Sponsors: Representatives Chandler, Lisk, Hansen, Van Luven, Mielke, Foreman, Sheldon, Valle, Vance, Ballasiotes, Roland, Shin, Brough, Casada, Sheahan, Campbell, Rayburn, King, Brumsickle, Ballard, Holm, Talcott, Wood, Flemming, Kremen, Miller, Tate, Cooke, Schoesler, Reams, Morton and Silver.

Brief History:

Reported by House Committee on:
Judiciary, March 3, 1993, DPS.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

Staff: Bill Perry (786-7123).

Background: The crime of driving while intoxicated (DWI) is a gross misdemeanor with a maximum penalty of one year in jail and a \$2,000 fine. Mandatory minimum criminal penalties plus alcohol assessment, schooling or treatment requirements, and the loss of driving privileges also apply. These penalties escalate with successive convictions.

For a first conviction, the mandatory minimum penalty is one day in jail and a \$250 fine. For a second conviction within five years, the mandatory minimum is seven days in jail and a \$500 fine, except that if at the time of the second offense, the driver was without a license because of a previous offense, the minimum penalty is 90 days in jail and a \$200 fine.

Summary of Substitute Bill: Additional mandatory minimum penalties are added for a conviction of DWI if the offense includes having minors in the vehicle at the time of the offense. The penalties may not be suspended or deferred.

For a first such conviction, the mandatory minimum penalty is a \$250 fine and one day of community service. On any subsequent conviction, these mandatory penalties are raised to \$1,000 and 10 days.

Substitute Bill Compared to Original Bill: The original bill would make the minimum penalties for a first offense \$500 and five days in jail. It also would have required the community service be in a program benefiting children. The substitute explicitly states that these new penalties are in addition to those already required.

Fiscal Note: Not requested.

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

Testimony For: The bill will help protect vulnerable minors from accidents. It is important that impressionable minors not see the bad example of adults drinking and driving.

Testimony Against: None.

Witnesses: Jerry Benning, Pacific County Sheriff (pro); Adam Kline, Mothers Against Drunk Drivers (pro); and Ron Varner, Moses Lake Police Department (pro).