

# HOUSE BILL REPORT

## HB 1141

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As Reported By House Committee On:  
Judiciary

**Title:** An act relating to driving under the influence of intoxicating liquor or drugs.

**Brief Description:** Increasing the penalty for driving under the influence of intoxicating liquor or drugs.

**Sponsors:** Representatives Riley, King, Romero, Campbell, Brough, Kessler, Long, Basich, R. Meyers, Karahalios, Silver and Locke.

**Brief History:**

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

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Long; Mastin; H. Myers; Riley; Schmidt; Scott; Tate; and Wineberry.

**Minority Report:** Do not pass. Signed by 1 member: Representative Locke.

**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. The mandatory minimum periods of incarceration

may not be suspended unless there is a showing that imprisonment would impose a risk to the defendant's physical or mental well being.

For a first conviction, the driver's license is suspended for 90 days or until age 19, whichever is longer. For a second conviction within five years, the license is revoked for one year. For a third conviction within five years, the license is revoked for two years.

**Summary of Substitute Bill:** The mandatory minimum incarceration penalties for DWI are changed. For a first conviction, the defendant may be sentenced 40 hours of community service in lieu of one day in jail. Failure to complete that service results in a mandatory minimum three days in jail. The mandatory minimum period of incarceration for a second conviction within five years is increased from seven days to 30 days.

**Substitute Bill Compared to Original Bill:** The original bill would have changed the mandatory minimum incarceration for a first offense to three days.

**Fiscal Note:** Not requested.

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

**Testimony For:** None.

**Testimony Against:** None.

**Witnesses:** Judge Robert McBeth, Washington State District and Municipal Court Judges Association; and Kurt Sharar, Washington State Association of Counties.