

SENATE BILL REPORT

SB 6046

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, JANUARY 28, 1994

Brief Description: Making the third offense for driving or physical control of a vehicle while under the influence a felony.

SPONSORS: Senators A. Smith, Nelson, Quigley, Erwin, Winsley, Haugen, Pelz, Oke, McAuliffe and Roach

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6046 be substituted therefor, and the substitute bill do pass.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Staff: Susan Mahoney (786-7717)

Hearing Dates: January 19, 1994; January 28, 1994

BACKGROUND:

Under current Washington State law the crimes of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs is a gross misdemeanor. The maximum penalty that can be imposed is up to one year in jail and/or a \$2,000 fine. The current law also mandates certain minimum penalties depending upon whether a defendant has been previously convicted of one of these offenses or has a suspended license at the time the offense was committed.

In most cases, the average penalties imposed are far less than what the law allows. For a first offense the minimum penalty is one day in jail, plus a fine of not less than \$250 and no more than \$1000. For a second or subsequent offense within a five year period, the minimum penalty is seven days in jail, plus a fine of not less than \$500 and no more than \$2000.

There has been growing concern over the increasing amount of cases in an already overburdened court system. Many cases are plea bargained in order to reduce case loads. Because of this, chronic offenders often slip through the cracks of the system and do not come to the full attention of the court until tragedy strikes. To ensure closer monitoring and stricter penalties, several states have enacted legislation making driving under the influence a felony offense under certain circumstances.

SUMMARY:

The original bill was not considered.

EFFECT OF PROPOSED SUBSTITUTE:

Driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs is a class C felony if the defendant has two or more prior convictions for DWI or physical control, or any combination thereof, within a five-year period.

Appropriation: none

Revenue: none

Fiscal Note: requested January 17, 1994

TESTIMONY FOR:

Should hold repeat offenders more accountable for their actions. Good for accountability and public safety.

TESTIMONY AGAINST: None

TESTIFIED: Judge Robert McBeth, WA State District and Municipal Court Judges Assoc.; Linda Grant, Director, Assoc. of Alcoholism and Addiction's Programs (pro); Judy Tom Furrow, Pierce County District Court 2; Dick Nuse, WA Traffic Safety Commission (pro)