
SUBSTITUTE HOUSE BILL 1141

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Riley, King, Romero, Campbell, Brough, Kessler, Long, Basich, R. Meyers, Karahalios, Silver and Locke)

Read first time 03/03/93.

1 AN ACT Relating to driving under the influence of intoxicating
2 liquor or drugs; amending RCW 46.61.515 and 46.61.5151; and prescribing
3 penalties.

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

5 **Sec. 1.** RCW 46.61.515 and 1985 c 352 s 1 are each amended to read
6 as follows:

7 (1) Every person who is convicted of a violation of RCW 46.61.502
8 or 46.61.504 shall be punished by imprisonment for not less than
9 twenty-four consecutive hours nor more than one year, and by a fine of
10 not less than two hundred fifty dollars and not more than one thousand
11 dollars, except that it is within the discretion of the judge to order
12 not less than forty hours of community service as a substitute for the
13 minimum period of imprisonment. Unless the judge finds the person to
14 be indigent, two hundred fifty dollars of the fine shall not be
15 suspended or deferred. Twenty-four consecutive hours of the jail
16 sentence or forty hours of community service shall not be suspended or
17 deferred unless the judge finds that the imposition of the ((jail))
18 sentence will pose a risk to the defendant's physical or mental well-
19 being. Whenever the mandatory ((jail)) sentence is suspended or

1 deferred, the judge must state, in writing, the reason for granting the
2 suspension or deferral and the facts upon which the suspension or
3 deferral is based. An order of community service as a substitute for
4 the minimum period of imprisonment shall be conditioned on successful
5 completion of the service, and a defendant who fails to successfully
6 complete the requirements of that community service, shall be sentenced
7 to not less than seventy-two hours in jail which may not be suspended
8 or deferred. The court may impose conditions of probation that may
9 include nonrepetition, alcohol or drug treatment, supervised probation,
10 or other conditions that may be appropriate. The convicted person
11 shall, in addition, be required to complete a course in an alcohol
12 information school approved by the department of social and health
13 services or more intensive treatment in a program approved by the
14 department of social and health services, as determined by the court.
15 A diagnostic evaluation and treatment recommendation shall be prepared
16 under the direction of the court by an alcoholism agency approved by
17 the department of social and health services or a qualified probation
18 department approved by the department of social and health services.
19 A copy of the report shall be forwarded to the department of licensing.
20 Based on the diagnostic evaluation, the court shall determine whether
21 the convicted person shall be required to complete a course in an
22 alcohol information school approved by the department of social and
23 health services or more intensive treatment in a program approved by
24 the department of social and health services. Standards for approval
25 for alcohol treatment programs shall be prescribed by rule under the
26 administrative procedure act, chapter 34.05 RCW. The courts shall
27 periodically review the costs of alcohol information schools and
28 treatment programs within their jurisdictions.

29 (2) On a second or subsequent conviction for driving or being in
30 physical control of a motor vehicle while under the influence of
31 intoxicating liquor or drugs within a five-year period a person shall
32 be punished by imprisonment for not less than (~~seven~~) thirty days nor
33 more than one year and by a fine of not less than five hundred dollars
34 and not more than two thousand dollars. District courts and courts
35 organized under chapter 35.20 RCW are authorized to impose such fine.
36 Unless the judge finds the person to be indigent, five hundred dollars
37 of the fine shall not be suspended or deferred. The jail sentence
38 shall not be suspended or deferred unless the judge finds that the
39 imposition of the jail sentence will pose a risk to the defendant's

1 physical or mental well-being. Whenever the mandatory jail sentence is
2 suspended or deferred, the judge must state, in writing, the reason for
3 granting the suspension or deferral and the facts upon which the
4 suspension or deferral is based. If, at the time of a second or
5 subsequent conviction, the driver is without a license or permit
6 because of a previous suspension or revocation, the minimum mandatory
7 sentence shall be ninety days in jail and a two hundred dollar fine.
8 The penalty so imposed shall not be suspended or deferred. The person
9 shall, in addition, be required to complete a diagnostic evaluation by
10 an alcoholism agency approved by the department of social and health
11 services or a qualified probation department approved by the department
12 of social and health services. The report shall be forwarded to the
13 department of licensing. If the person is found to have an alcohol or
14 drug problem requiring treatment, the person shall complete treatment
15 at an approved alcoholism treatment ((~~facility~~)) program or approved
16 drug treatment center.

17 In addition to any nonsuspendable and nondeferrable jail sentence
18 required by this subsection, the court shall sentence a person to a
19 term of imprisonment not exceeding one hundred eighty days and shall
20 suspend but shall not defer the sentence for a period not exceeding two
21 years. The suspension of the sentence may be conditioned upon
22 nonrepetition, alcohol or drug treatment, supervised probation, or
23 other conditions that may be appropriate. The sentence may be imposed
24 in whole or in part upon violation of a condition of suspension during
25 the suspension period.

26 (3) The license or permit to drive or any nonresident privilege of
27 any person convicted of driving or being in physical control of a motor
28 vehicle while under the influence of intoxicating liquor or drugs
29 shall:

30 (a) On the first conviction under either offense, be suspended by
31 the department until the person reaches age nineteen or for ninety
32 days, whichever is longer. The department of licensing shall determine
33 the person's eligibility for licensing based upon the reports provided
34 by the designated alcoholism agency or probation department and shall
35 deny reinstatement until enrollment and participation in an approved
36 program has been established and the person is otherwise qualified;

37 (b) On a second conviction under either offense within a five-year
38 period, be revoked by the department for one year. The department of
39 licensing shall determine the person's eligibility for licensing based

1 upon the reports provided by the designated alcoholism agency or
2 probation department and shall deny reinstatement until satisfactory
3 progress in an approved program has been established and the person is
4 otherwise qualified;

5 (c) On a third or subsequent conviction of driving or being in
6 physical control of a motor vehicle while under the influence of
7 intoxicating liquor or drugs, vehicular homicide, or vehicular assault,
8 or any combination thereof within a five-year period, be revoked by the
9 department for two years.

10 (4) In any case provided for in this section, where a driver's
11 license is to be revoked or suspended, the revocation or suspension
12 shall be stayed and shall not take effect until after the determination
13 of any appeal from the conviction which may lawfully be taken, but in
14 case the conviction is sustained on appeal the revocation or suspension
15 takes effect as of the date that the conviction becomes effective for
16 other purposes.

17 **Sec. 2.** RCW 46.61.5151 and 1983 c 165 s 33 are each amended to
18 read as follows:

19 A sentencing court may allow persons convicted of violating RCW
20 46.61.502 or 46.61.504 to fulfill the terms of the sentence provided in
21 RCW 46.61.515 (1) or (2) in nonconsecutive or intermittent time
22 periods. However, the first twenty-four hours of any jail sentence
23 under RCW 46.61.515(1) and the first (~~forty-eight~~) seventy-two hours
24 of any jail sentence under RCW 46.61.515(2) shall be served
25 consecutively unless suspended or deferred as otherwise provided by
26 law.

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