

# HOUSE BILL REPORT

## ESSB 6165

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### As Passed House - Amended:

March 5, 1998

**Title:** An act relating to use of ignition interlock devices.

**Brief Description:** Directing mandatory ignition interlocks for DUI offenders.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Rossi, Roach, Rasmussen, Goings, T. Sheldon, McCaslin, Strannigan, Zarelli, Long, Deccio, Oke, Kline, Wood, Schow, Swecker, Stevens, Haugen, Johnson, Benton and Winsley).

### Brief History:

#### Committee Activity:

Law & Justice: 2/24/98, 2/26/98 [DP];

Appropriations: 2/28/98 [DPA].

#### Floor Activity:

Passed House - Amended: 3/5/98, 91-6.

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass. Signed by 12 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Robertson and Sherstad.

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

**Staff:** Bill Perry (786-7123).

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass as amended. Signed by 31 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Dyer; Grant; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

**Staff:** Dave Johnson (786-7154).

**Background:** A court may order a person convicted of an offense involving the use, consumption, or possession of alcohol while operating a motor vehicle to drive only a vehicle equipped with an ignition interlock device. The court may order the use of an interlock only after any period of driver's license suspension or revocation has passed and only for as long as the court has jurisdiction over the case.

The Department of Licensing must attach or imprint a notation on the license of a person required to drive only a vehicle equipped with an ignition interlock device. It is a misdemeanor for a person with such a notation to drive any vehicle that is not equipped with the ignition interlock device.

If a driver charged with DUI alleges he or she is an alcoholic, and the driver meets other criteria, he may be granted a deferred prosecution. A deferred prosecution involves two years of alcoholism treatment.

**Summary of Bill:** The use of ignition interlock devices is made mandatory in all deferred prosecutions involving alcoholism.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect January 1, 1999.

**Testimony For:** (Law & Justice) This is a proven technology that is being used effectively in a growing number of jurisdictions to reduce the incidence of drunk driving.

(Appropriations) This is a proven technology that is being used in some jurisdictions to reduce the incidents of drunk driving. If ignition interlocks had been mandatory, Mary Johnsen would be alive today. The cost of the devices would be paid by the person and not the government. The cost is less than what alcoholics spend each day on liquor.

**Testimony Against:** (Law & Justice) None.

(Appropriations) Local governments, while not opposed to the policy direction of the bill, are concerned that the state provide adequate resources to implement the bill. The courts might find that indigents have a right to publicly paid ignition interlock devices. The state, and not local government, sets the standards for indigency.

**Testified:** (Law & Justice) Senator Rossi, prime sponsor; Keith Johnsen, citizen (pro); Paul Cary, Ignition Interlock Systems (pro); Senator Roach (pro); Senator Strannigan

(pro); Karolyn Nunnallee, President, Mothers Against Drunk Drivers (pro); Don Lennon, President, Mothers Against Drunk Drivers, Washington Chapter (pro); Bill Hanson, Washington State Patrol Troopers Association (pro); Annette Sandberg, Chief, Washington State Patrol (pro); Tim Schellberg, Washington Association of Sheriffs and Police Chiefs (pro); Steve Lind, Washington Traffic Safety Commission (pro); Russ Hauge, Washington Association of Prosecuting Attorneys (pro); Kathy Gerke, Association of Washington Cities (pro, with concerns re fiscal impact); Mark Sidron, Seattle City Attorney (pro); Evan Simpson, Harborview Injury Prevention Center (pro); Pamela Simpson, citizen (pro); Cheryl Fox, citizen (pro); Mark Muenster, Washington Association of Criminal Defense Lawyers (con); and Linda Grant, Association of Alcoholism and Addiction Programs (con).

(Appropriations) Senator Rossi, prime sponsor; Kathy Gerke, Association of Cities (concerns); and Mike Shaw, Association of Counties (concerns).