

# HOUSE BILL REPORT

## ESSB 6408

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### As Reported By House Committee On:

Law & Justice

**Title:** An act relating to penalties for alcohol violators.

**Brief Description:** Increasing penalties for alcohol violators who commit the offense with a person under the age of ten in the motor vehicle.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators McCaslin, Kline, Long, Fairley, Stevens, Hargrove, Zarelli, Johnson, Thibaudeau, Haugen, Schow, Roach and Oke).

### Brief History:

#### Committee Activity:

Law & Justice: 2/24/98, 2/26/98 [DPA].

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## HOUSE COMMITTEE ON LAW & JUSTICE

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

**Minority Report:** Without recommendation. Signed by 1 member: Representative Carrell.

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

**Background:** Mandatory minimum penalties for the crime of driving while under the influence of alcohol (DUI) vary according to a number of factors. These factors include the number of prior convictions, the level of the driver's breath or blood alcohol concentration (BAC), and whether or not the driver submitted to a breathalyzer test. These penalties include jail time, fines, and loss of driving privileges.

The crime of DUI is a gross misdemeanor with a maximum penalty of one year in jail and a fine of \$5,000. The mandatory minimum jail sentences range from one day in jail for a first-time offender with a low BAC, to 120 days in jail for a third-time offender with a high BAC.

**Summary of Amended Bill:** An additional factor is provided for enhancing mandatory minimum jail sentences for DUI. A driver who commits DUI while driving with a passenger who is under the age of 10, will receive twice the otherwise applicable mandatory minimum jail sentence.

The court and prosecutor are required to verify a defendant's criminal history and driving record immediately before the court imposes a sentence, dismissed as charge, or orders a deferred prosecution in cases involving the following offenses: DUI, vehicular homicide committed while under the influence of liquor or any drug, vehicular assault committed while under the influence of liquor or any drug, negligent driving in the first degree, and reckless endangerment in the second degree, if the latter two convictions are the result of charges that were originally filed as DUIs or vehicular homicide or vehicular assault. For courts that fully participate in the judicial information system, records are to be current to within one day. For other courts, records are to be current to within a week.

**Amended Bill Compared to Engrossed Substitute Bill:** The amended bill adds the provisions relating to verifying an offender's criminal history and driving record.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 19, 1998.

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

**Testimony For:** None.

**Testimony Against:** None.

**Testified:** None.