

HOUSE BILL ANALYSIS

HB 2327

Title: An act relating to making drunk driving a most serious offense.

Brief Description: Including a third or subsequent drunk driving offense as a most serious offense.

Sponsors: Representatives Sterk, Mulliken, Chandler, Benson, Bush, Kessler, Costa, D. Sommers, Sheahan, Smith and Johnson.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Bill Perry (786-7123).

Background: *Under Washington's "Three Strikes and You're Out" law, an offender who commits three offenses that qualify as "most serious offenses" or "strikes," as long as each strike represents a separate trip through the judicial system, is sentenced as a "persistent offender."*

The offenses, including attempts, that qualify as "strikes" are as follows:

- (1) *all class A felonies;*
- (2) *assault in the second degree;*
- (3) *assault of a child in the second degree;*
- (4) *child molestation in the second degree;*
- (5) *controlled substance homicide;*
- (6) *extortion in the first degree;*
- (7) *incest, when committed against a child under 14;*
- (8) *indecent liberties;*
- (9) *kidnapping in the second degree;*
- (10) *leading organized crime;*
- (11) *manslaughter in the first degree;*
- (12) *manslaughter in the second degree;*
- (13) *promoting prostitution in the first degree;*
- (14) *rape in the third degree;*
- (15) *robbery in the second degree;*
- (16) *sexual exploitation;*
- (17) *vehicular assault;*
- (18) *vehicular homicide, when caused by driving while under the influence of alcohol or drugs (DUI) or recklessness;*

- (19) *any class B felonies that were sexually motivated;*
- (20) *any felony committed with a deadly weapon; or*
- (21) *any federal or out-of-state convictions for offenses similar to those contained in this list.*

The sentence for a persistent offender is life imprisonment without possibility of release. A persistent offender is not eligible for community custody, earned early release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release.

Summary of Bill: A third or subsequent conviction for drunk driving is a "most serious offense," or "strike" for purposes of the "Three Strikes and You're Out" law.

Fiscal Note: Not requested.

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

Office of Program Research