

HOUSE BILL ANALYSIS

HB 2885

Title: An act relating to drunk driving.

Brief Description: Increasing penalties for drunk driving.

Sponsors: Representatives Mulliken, Sheahan, Costa, McDonald, Backlund, Mielke, Smith, Boldt and Thompson.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Bill Perry (786-7123).

Background: The drunk driving (DUI) law has a variety of criminal penalty provisions, including a number of mandatory minimum penalties. These penalties escalate on the basis of repeat offenses and on the basis of the offender's blood or breath alcohol concentration (BAC). For purposes of counting "prior" DUI offenses, there is a five-year washout period. The Department of Licensing (DOL) is to keep DUI records for 10 years.

For a first DUI offense within five years, the mandatory minimum jail sentence is one day if the offender's BAC was less than 0.15. For a first-time offender with a BAC of 0.15 or more, the mandatory minimum jail sentence is two days.

Summary of Proposed Substitute Bill: Alternatives to the mandatory minimum jail sentences for a first-time DUI offender are provided.

For a first-time offender with a BAC below 0.15, the court may order any combination of one or more of the following for a minimum of seven days:

- o community service;
- o assignment to a work crew;
- o electronic in-home detention; and
- o monitoring to detect alcohol use.

For a first-time offender with a BAC of 0.15 or more, the same options may be imposed, but for a minimum of 14 days.

Proposed Substitute Bill Compared to Original Bill: The original bill generally raises all of the mandatory minimum jail sentences by at least 100 percent. The

original bill also eliminates the five-year washout period and requires DOL to keep DUI records permanently.

Fiscal Note: Not requested.

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

Office of Program Research