

# HOUSE BILL REPORT

## 2SHB 3070

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### As Passed Legislature

**Title:** An act relating to penalties for driving under the influence.

**Brief Description:** Increasing penalties for drunk driving.

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives McCune and Mulliken).

**Brief History:**

**Committee Activity:**

Law & Justice: 2/3/98, 2/5/98 [DPS];  
Appropriations: 2/7/98 [DP2S(w/o sub LJ)].

**Floor Activity:**

Passed House: 2/13/98, 96-0.  
Senate Amended.  
House Concurred.  
Passed Legislature.

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Mulliken; Robertson and Sherstad.

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

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Law & Justice. Signed by 30 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; 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:** The driving under the influence (DUI) law has a variety of criminal and civil penalty provisions. 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" DUIs, there is a five-year washout period. "Prior" offenses for purposes of these escalating penalties include: DUI; DUI-related vehicular homicide or assault; and negligent driving, if the conviction is the result of a charge originally filed as a DUI or vehicular homicide or assault. "Prior offenses" also include deferred prosecutions on DUI or DUI-related charges.

The implied consent law, the DUI vehicle forfeiture law, the occupational license law, and the deferred prosecution law also have provisions based on a five-year washout period for counting prior offenses. Under the Sentencing Reform Act, serious traffic offenses such as DUI have a five year washout.

The Department of Licensing (DOL) is required to keep DUI records for at least 10 years.

A provision outside of the DUI law makes it illegal for a minor to drive with an alcohol concentration (BAC) of 0.02 "or more." The standard for DUI currently is 0.10.

**Summary of Bill:** All of the DUI-related, five-year washout periods are changed to seven-year periods, except for the periods applicable to deferred prosecutions, and to serious traffic offenses under the SRA. The DOL is required to keep deferred prosecution records permanently and other DUI-related records for 15 years.

Persons cited for DUI at the time of arrest must appear in court within one day for a determination of possible conditions on pre-trial release. Persons arrested for DUI who are cited at a later date must appear in court within 14 days of the citation.

The "minor 0.02" law is clarified to apply only to minors with BACs below the DUI level.

**Appropriation:** None.

**Fiscal Note:** Requested on February 8, 1998.

**Effective Date:** The bill takes effect on January 1, 1999, however, the bill is null and void unless funded in the budget.

**Testimony For:** (Law & Justice) Serious DUI offenders can accumulate far too many offenses before sentence enhancements apply. This bill will hold serious repeat offenders more accountable.

(Appropriations) None.

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

(Appropriations) None.

**Testified:** (Law & Justice) Representative McCune, prime sponsor. Russ Hauge, Washington Association of Prosecuting Attorneys (pro)

(Appropriations) None.