

# HOUSE BILL ANALYSIS

## ESSB 6166

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

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

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

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### HOUSE COMMITTEE ON LAW & JUSTICE

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

**Background:** The sentence a person may receive for driving under the influence of alcohol or drugs (DUI) is dependent upon a number of factors. One of those factors is whether the offense is the person's first, second, or third conviction for DUI within five years. A DUI conviction no longer counts as a prior conviction after the passage of five years. This same five-year "washout" period also applies to enhanced administrative penalties under the implied consent law and the administrative per se law, as well as to vehicle forfeiture provisions. The Department of Licensing (DOL) is required to keep DUI records for 10 years.

A person is not eligible for a deferred prosecution program in connection with a charge of driving under the influence of alcohol or drugs more than once in any five-year period.

**Summary of Bill:** For purposes of a criminal conviction for DUI, the five-year washout period is eliminated. The sentence of a person convicted of DUI is dependent upon whether the person has had any prior DUI convictions within his or her lifetime.

A person is not eligible for a deferred prosecution program more than once in his or her lifetime in connection with a charge of driving under the influence of alcohol or drugs.

An individual convicted of vehicular homicide while under the influence of intoxicating liquor or any drug receives the standard sentence plus an enhancement of two years for every prior DUI conviction.

The DOL is directed to maintain the records of convictions or adjudications of driving under the influence of alcohol or drugs permanently on file.

A conviction for second-degree reckless endangerment or reckless driving counts as a prior offense for the purposes of sentencing for subsequent DUIs when the individual was originally charged with a DUI.

The period of a deferred prosecution is five years, and the underlying DUI charge may not be dismissed until five years have passed without the commission of another DUI.

The court is directed to verify current criminal history and driving record before sentencing for a DUI.

Local governments are authorized to submit claims for verifiable reimbursement of costs incurred in implementing this act.

**Fiscal Note:** Available. New fiscal note requested for engrossed substitute bill February 19, 1998.

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

Office of Program Research