

SENATE BILL REPORT

ESSB 6165

As Passed Senate, February 12, 1998

Title: An act relating to use of ignition interlock devices.

Brief Description: Directing mandatory ignition interlocks for DUI offenders.

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

Brief History:

Committee Activity: Law & Justice: 1/13/98 [DPS].
Passed Senate, 2/12/98, 48-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6165 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Kline, Long, McCaslin, Stevens, Thibaudeau and Zarelli.

Staff: Lidia Mori (786-7755)

Background: A court may order a person convicted of an offense involving the use, consumption, or possession of alcohol while operating a motor vehicle to drive only a vehicle equipped with an ignition interlock device for a period of not less than six months. The Department of Licensing must attach or imprint a notation on the license of a person required to drive only a vehicle equipped with an ignition interlock device. It is a misdemeanor for a person with such a notation to drive any vehicle that is not equipped with the ignition interlock device.

Summary of Bill: This act may be known and cited as the Mary Johnsen Act.

A person convicted of driving under the influence of alcohol or drugs (DUI) with a blood or breath alcohol level of .15 or more who has not been previously restricted to driving only a vehicle equipped with an ignition interlock device is restricted for one year to driving only a vehicle equipped with an ignition interlock device. A person convicted of driving under the influence of alcohol or drugs who has a prior DUI within the past five years and who has previously been restricted to driving only a vehicle equipped with an ignition interlock device for one year is restricted to driving only a vehicle equipped with an ignition interlock device for five years. A person has two or more prior DUI's within the past five years and is convicted of another DUI and who has previously been restricted to driving only a vehicle equipped with an ignition interlock device for five years is permanently restricted to driving only a vehicle equipped with an ignition interlock device.

The first conviction of driving a vehicle that is not equipped with an ignition interlock device when a person is required to only drive such a vehicle results in a minimum jail term of 30 days. A second such offense results in a jail term of at least 60 days and a third or subsequent offense results in a minimum jail term of 90 days. When a person is arrested for circumventing the interlock device, his or her car is impounded as evidence until sentencing is complete.

Local governments may submit claims for reimbursement by the Legislature if verifiable additional costs are created by this bill.

Appropriation: None.

Fiscal Note: Requested

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

Testimony For: The idea behind this ignition interlock bill is to separate the drinking from the driving. The ignition interlock device has been used extensively in Europe and in other states. A Maryland study took 1,387 chronic offenders and put approximately half of them on the interlock device and half of them faced similar methods like we have here in Washington. They found the recidivism rate among the people with the interlocks dropped by 65 percent. Mechanical measures, such as the Breathalyzer interlock device knows no loopholes and can provide no lies to the court. The interlock device helps people confront the issues of their alcohol consumption and its beneficial effect seems to last well past the interlock installation period.

Testimony Against: None.

Testified: Senator Dino Rossi, prime sponsor; Keith Johnsen; John Moffat, Director, Washington Traffic Safety Commission, Governor's Highway Safety state representative; Peter Youngers; Paul Carey, Ignition Interlock Systems.

House Amendment(s): The underlying bill is stricken and replaced with a provision requiring persons in DUI-related deferred prosecution programs to use ignition interlock devices unless a judge orders otherwise.