

FINAL BILL REPORT

ESSB 6166

C 211 L 98

Synopsis as Enacted

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).

Senate Committee on Law & Justice
House Committee on Law & Justice
House Committee on Appropriations

Background: The sentence a person may receive for a conviction of driving under the influence of alcohol or drugs (DUI) is dependent upon a number of factors, one of which is whether the offense is the person's first, second, or subsequent conviction of DUI within five years. A DUI conviction no longer appears on the convicted person's record after the passage of five 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: 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 each prior offense— as defined in statute.

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 entering a deferred prosecution, dismissing a charge, or sentencing for a DUI.

Votes on Final Passage:

Senate	47	1	
House	97	0	(House amended)
Senate	33	0	(Senate concurred)

Effective: January 1, 1999