

SENATE BILL REPORT

ESSB 6166

As Passed Senate, February 12, 1998

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).

Brief History:

Committee Activity: Law & Justice: 1/13/98 [DPS].
Passed Senate, 2/12/98, 47-1.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6166 be substituted therefor, and the substitute bill do pass.

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

Staff: Lidia Mori (786-7755)

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 of Bill: 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 DUI conviction remains permanently on the convicted person's record.

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 his or her lifetime.

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 Department of Licensing 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.

Appropriation: None.

Fiscal Note: Requested

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

Testimony For: When a court sentences a drunken driver, the court can only look at the past five years as far as any prior drunken driving convictions. So, no matter how many prior drunken driving convictions a person had before the past five years, they cannot be factored into the sentence. This bill makes a person's driving record their driving record permanently. It allows the courts to hand down sentences that are a little closer to justice.

Testimony Against: None.

Testified: Senator Dino Rossi, prime sponsor.

House Amendment(s): The following provisions are removed: (1) elimination of the five-year washout period for counting prior DUI offenses; (2) limiting a person to one deferred prosecution in a lifetime; (3) the Department of Licensing maintaining DUI records permanently; and (4) local governments may submit claims for reimbursement for costs incurred in implementing this act.

A null and void clause is added and the effective date is changed to January 1, 1999.