

# FINAL BILL REPORT

## E2SSB 6293

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Synopsis as Enacted

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

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators Benton, Roach, T. Sheldon, Rossi, McDonald and Oke).

**Senate Committee on Law & Justice**

**Senate Committee on Transportation**

**House Committee on Law & Justice**

**House Committee on Appropriations**

**Background:** When sentencing a person convicted of driving under the influence of alcohol or drugs (DUI), the court considers whether the person has had any prior DUIs within the past five years. If a person convicted of DUI with a blood alcohol concentration (BAC) of less than .15 has had no prior convictions for DUI within the past five years, the punishment includes one day of imprisonment, a fine of not less than \$350 and suspension of the driver's license for 90 days. The sentence of a person convicted of DUI with no prior DUIs within five years and a BAC level of .15 or more includes two days of imprisonment, a fine of not less than \$500 and suspension of the driver's license for 120 days. The sentence of a person convicted of DUI with a blood alcohol level of less than .15, but who has a prior DUI within the past five years, includes imprisonment for not less than 30 days, a fine of not less than \$500 and revocation of the driver's license for one year. If a person is convicted of DUI with a BAC of .15 or more and the person has a prior DUI within five years, he or she will receive imprisonment for not less than 45 days, a fine of not less than \$750 and revocation of the driver's license for 450 days.

**Summary:** A person convicted of DUI with a BAC of less than .15, who has one prior offense within five years is punished, in addition to current law, by 60 days electronic home monitoring which may not be suspended or deferred. A person convicted of DUI with a BAC of at least .15 or more and who has one prior offense within five years is punished, in addition to current law, by 90 days of electronic home monitoring which may not be suspended or deferred. A person convicted of DUI with a BAC of less than .15, who has two prior offenses within five years is punished, in addition to current law, by 120 days of electronic home monitoring which may not be suspended or deferred. A person convicted of DUI with a BAC of at least .15 or more, who has two prior offenses within five years is punished, in addition to current law, by 150 days of electronic home monitoring which may not be suspended or deferred.

No driver's license may be issued to a habitual offender for a period of seven years from the date of the license revocation.

At the end of four years, the habitual offender may petition the Department of Licensing (DOL) for early reinstatement of his or her operator's license upon good and sufficient showing and the department may wholly or conditionally reinstate the privilege.

At the end of seven years from the date of any final order finding a person to be a habitual offender, the person may petition DOL for restoration of the driving privilege.

A person arrested for DUI or driving after consuming alcohol— is required to appear in person before a magistrate within one judicial day after arrest. At the time of appearance, the court determines the necessity of imposing conditions of pretrial release.

Whenever the court imposes less than one year in jail for a DUI offender, the court also suspends a period of five years of confinement and imposes conditions of probation.

**Votes on Final Passage:**

Senate	48	0	
House	96	1	(House amended)
Senate	45	0	(Senate concurred)

**Effective:** January 1, 1999