

SENATE BILL REPORT

E2SSB 6293

As Passed Senate, February 12, 1998

Title: An act relating to drunk driving.

Brief Description: Establishing penalties for drunk driving.

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

Brief History:

Committee Activity: Law & Justice: 1/13/98, 1/22/98 [DPS].

Transportation: 2/9/98, 2/10/98 [DP2S].

Passed Senate, 2/12/98, 48-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6293 be substituted therefor, and the substitute bill do pass.

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

Staff: Lidia Mori (786-7755)

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Second Substitute Senate Bill No. 6293 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Jacobsen, Morton, Oke, Patterson, Prentice, Rasmussen and Sellar.

Staff: Paul Neal (786-7315)

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 an alcohol concentration of less than .15 has had no prior convictions for DUI within the past five years, the punishment includes one day of imprisonment and a fine of not less than \$350. The sentence of a person convicted of DUI with no prior DUIs within five years and an alcohol concentration level of .15 or more includes two days of imprisonment and not less than \$500. 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 a fine of not less than \$500 and revocation of the driver's license for two years. If a person is convicted of DUI with an alcohol concentration of .15 or more and the person has a prior DUI within five years, he or she will receive a fine of not less than \$700 and revocation of the driver's license for 900 days.

Summary of Bill: The penalties for drunk driving convictions are increased by providing for varying lengths of electronic home monitoring. The court may also require the electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time of electronic home monitoring. For purposes of this bill, electronic home monitoring is not considered confinement.

Minimum fines are increased. If the offender has three or more convictions, his or her license is permanently revoked. Person may petition for reinstatement of license after seven years. The person must show good cause— which is defined as sufficient evidence of permanent rehabilitation. It is a gross misdemeanor to drive while one’s license is permanently revoked. A second violation is a class C felony.

The specific penalties provided for in the bill are:

None	less than .15	1 day - 1 year	\$350 - \$5000	90 days	30 days
1 w/in 7* years	less than .15	30 days - 1 year	\$1000- \$5000	2 years	60 days
3 or more	N/A	90 days - 1 year	\$2000 - \$5000	perman-ent**	120 days

* Prior law: 5 years.

** Period of license suspension is unchanged by bill except where offender has three or more convictions.

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 (Law & Justice): We need stricter DUI laws and this bill sends a clear message.

Testimony Against (Law & Justice): This bill is going to fiscally impact local government. It is better to get DUI offenders into treatment rather than into prison. When drivers’

licenses are permanently revoked, it impacts those in rural areas where there is no public transit.

Testified (Law & Justice): PRO: Senator Don Benson, prime sponsor; Brandon Knobel; Bill Hanson, Washington State Patrol; Tim Schellberg, Washington Association of Sheriffs and Police Chiefs; John Moffat, Washington Traffic Safety Commission; Dick Ducharme, Washington Beer and Wine Wholesalers Association.; CON: Sherry Appleton, Washington Association of Criminal Defense Lawyers, Washington Defenders Association; Mike Shaw, Association of Counties (with concerns).

Testimony For (Transportation): The electronic home monitoring provisions are an effective punishment for drunk driving convictions. The punishment is much less expensive than additional jail time and keeps drunk drivers off the road.

Testimony Against (Transportation): Concerns were raised regarding responsibility of local governments to pay home monitoring costs for indigent persons.

Testified (Transportation): PRO: Senator Benton, prime sponsor; Tim Schellberg, Sheriffs & Police Chiefs; Steve Linds, Traffic Safety Commission; Kathy Gerke, Association of Cities (concerns); Debbie Schmidt, DOL.

House Amendment(s): A person convicted of DUI with a BAC of less than .15, who has one prior offense within five years will be 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 and who has one prior offense within five years will be 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 will be 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, who has two prior offenses within five years will be 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 DOL for return to his or her operator's license upon good and sufficient showing.

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 will determine the necessity of imposing conditions of pretrial release.