

SENATE BILL REPORT

ESSB 6475

As Passed Senate, February 13, 1998

Title: An act relating to driving under the influence of intoxicating liquor or any drug.

Brief Description: Revising provisions relating to driving while under the influence.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Roach, Fairley, Patterson, Kline, Haugen, McAuliffe, Goings, Kohl, Rasmussen and Oke; by request of Governor Locke).

Brief History:

Committee Activity: Law & Justice: 1/28/98 [DPS].
Passed Senate 2/13/98, 49-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6475 be substituted therefor, and the substitute bill do pass.

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

Staff: Lidia Mori (786-7755)

Background: This bill derives from a variety of sources and incorporates numerous approaches to strengthening the laws pertaining to driving under the influence of liquor or drugs in the state of Washington.

A person is guilty of driving under the influence of alcohol or any drug (DUI) if the person drives a vehicle in this state and has, within two hours after driving, a breath or blood alcohol concentration of .10 or higher.

The administrative sanction for a first DUI is placement by the Department of Licensing of the person's driver's license in probationary status for five years.

Currently, a person arrested for driving under the influence of alcohol, who has had a prior DUI within five years, is prohibited from selling, transferring, or encumbering the vehicle he or she was driving at the time of the arrest pending acquittal, dismissal, or 60 days after conviction of the DUI. If the person is convicted of the DUI and has had a prior DUI within five years, the vehicle is subject to forfeiture. A vehicle subject to forfeiture may be seized by a law enforcement officer with a court order. There is concern that this process is unworkable and has therefore seldom been put to use.

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. The

court is required to dismiss the DUI charges pending against the person after receipt of proof of successful completion of the two-year treatment program under the deferred prosecution.

A DUI conviction does not appear on the convicted person's driving record after the passage of five years.

Summary of Bill: The illegal per se breath and blood alcohol concentration standard is .08.

The driver's license of a person arrested for a first time DUI is administratively suspended for 90 days by the Department of Licensing.

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 if he or she has committed a prior DUI offense more than once in his or her lifetime. The court will dismiss the charges pending against a person who successfully completes the two-year treatment program and does not commit another DUI or related offense but not before five years following entry of the order of deferred prosecution.

The court and prosecutor are required to verify a defendant's criminal history and driving record immediately before the court imposes a sentence or orders a deferred prosecution in cases involving the following offenses: DUI, vehicular homicide committed while under the influence of liquor or any drug, vehicular assault committed while under the influence of liquor or any drug, negligent driving first degree and reckless endangerment second degree if the latter two convictions are the result of charges that were originally filed as DUIs or vehicular homicide or vehicular assault.

A deferred prosecution in connection with a charge of DUI may not be dismissed until the court and prosecutor review and verify the defendant's criminal history and driving record. If the defendant has been arrested for DUI for a related offense since entry of the order of deferred prosecution and there has been no disposition of the charge, the court is directed to maintain the case in deferred prosecution status until a disposition has occurred. If the defendant has not been arrested or convicted of a DUI or related offense since entry of the deferred prosecution order, the court dismisses the charges pending against the defendant.

Reckless endangerment and reckless driving when originally filed as DUIs are counted as prior DUI offenses.

Local governments may submit claims for reimbursement by the Legislature if this bill results in additional local government costs.

The offense of driving a motor vehicle after consuming alcohol applies to persons under the age of 21 who have an alcohol concentration of .02 but less than .10.

Appropriation: None.

Fiscal Note: Requested on January 28, 1998.

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

Testimony For: None.

Testimony Against: None.

Testified: No one.