VETO MESSAGE ON SB 6165-S

March 30, 1998

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3, 5, 6, and 8, Engrossed Substitute Senate Bill No. 6165 entitled:

"AN ACT Relating to use of ignition interlock devices;"

ESSB 6165 requires that ignition interlock devices be used by individuals convicted of drunk driving with a blood alcohol content of 0.15 or higher. I support the intent of this legislation; however, some sections are problematic.

Section 3 of ESSB 6165 would mandate jail terms of 30, 60, and 90 days for driving without an interlock when required to do so. These mandatory sentences should not be enacted without a clear showing that they are necessary, and without carefully considering the costs to local governments. Before further restricting judges' discretion in these cases, we should gain experience with mandatory interlock use, frequency of violations, and reasons for violations. Section 3 would deny courts discretion to consider emergencies or other circumstances that might excuse or mitigate this behavior. Driving without an interlock in violation of a court order is currently punishable by up to 90 days in jail. I believe courts should continue to have sentencing discretion, especially in the early stages of mandatory interlock use.

Section 5 of ESSB 6165 would require that vehicles driven without interlocks, in violation of court orders, be impounded "for use as evidence." I am concerned about the substantial costs this requirement could impose on local governments. Currently, police officers have the authority to take custody of evidence when they need to do so, but they may not need to do so in all interlock violation cases. Impoundment, at the driver's expense, would be an appropriate remedy for violating court orders after a DUI, but this section does not assure that the driver, rather than the local government, would be financially responsible.

Section 6 of ESSB 6165 would require that all DUI charges be filed in court, and defendants be arraigned on those charges, within 21 days after arrest. I share the policy goal behind this section « to assure that defendants have a reasonable chance to qualify for deferred prosecution in appropriate cases. However, the effect of that requirement amounts to a 21-day statute of limitation on DUI cases. The vast majority of these cases can and should be charged much sooner than 21 days after arrest. But some require more time for legitimate investigative reasons, like getting blood test results or determining whether accident victims will recover. These are likely to be the more serious cases involving drunk driving, cases that should not be subject to dismissal because of such a deadline. The goal of informing defendants about deferred prosecution can be accomplished by bringing them to court promptly after arrest or filing charges, as required by section 2 of E2SSB 6293, which I signed today. Finally, I am concerned that section 6 falls outside the subject of the bill as expressed in the title, in violation of Article II, Section 19 of the State Constitution.

Section 8 of ESSB 6165 would require that the Office of Financial Management verify claims from local governments for increased levels of services mandated by the act. This section would add an unnecessary additional bureaucratic layer to the existing statutory and procedural process for handling these claims. I will direct the Office of Financial Management and the Department of General Administration to work collaboratively with the appropriate legislative committees to ensure that timely and accurate information is provided to the Legislature.

For these reasons, I have vetoed sections 3, 5, 6, and 8 of Engrossed Substitute Senate Bill No. 6165.

With the exception of sections 3, 5, 6, and 8, Engrossed Substitute Senate Bill No. 6165 is approved.

Respectfully submitted,
Gary Locke
Governor