

# HOUSE BILL REPORT

## SSB 5399

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**As Passed House - Amended:**

April 16, 1999

**Title:** An act relating to traffic offenses.

**Brief Description:** Changing provisions relating to traffic offenses.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators Rossi, Kline, Costa and McCaslin).

**Brief History:**

**Committee Activity:**

Judiciary: 4/1/99 [DP].

**Floor Activity:**

Passed House - Amended: 4/16/99, 97-0.

### Brief Summary of Substitute Bill

- Makes technical corrections to allow the counting of prior serious traffic offenses as criminal history in sentencing for a current vehicular homicide when a prior DUI-related offense is also used to enhance the standard range of the sentence for the current offense.
- Makes use of an ignition interlock device mandatory in a deferred prosecution for an offender with a prior offense, or who had a BAC of more than 0.15, or had refused to take the breathalyzer test.
- Allows the Department of Licensing to waive a \$100 hearing fee for indigent persons who face administrative suspension or revocation of their drivers' licenses.

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HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 12 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

**Staff:** Bill Perry (786-7123).

**Background:**

Prior Offenses as Criminal History in Vehicular Homicide Sentencing

License Suspension/Revocation Hearing Fees

The Department of Licensing (DOL) is required to impose a fee of \$100 on anyone requesting a hearing to contest suspension or revocation of a driver's license in certain cases. The fee applies to cases in which DOL will take administrative action based on a person's refusal to take a breathalyzer test, or a person's failure of such a test following an arrest for DUI.

The 1998 Legislature enacted ESSB 6166 to increase the penalties for driving while under the influence (DUI). The bill amended one part of the code and added a two-year enhancement for each prior DUI related offense when the current offense is vehicular homicide while under the influence. The same bill also amended another part of the code to exclude prior, DUI related convictions from consideration in the computation of the offender score when the current offense is vehicular homicide while under the influence, since, under the bill, each prior DUI conviction requires a two-year sentence enhancement. However, the language in the bill had the unintended effect of preventing consideration of prior, non-DUI related, serious traffic offenses when computing the score for the current offense of vehicular homicide while under the influence. Consequently, an offender convicted of vehicular homicide while under the influence could actually benefit by having a DUI related conviction in his or her criminal history.

Ignition Interlocks

ESSB 6166 directed courts to order people convicted of DUI to drive only a motor vehicle that is equipped with an ignition interlock device. The bill set forth the required time periods for the use of the ignition interlocks for all DUI cases except those involving a first-time offender with an alcohol concentration (BAC) level of less than 0.15. The bill allowed but did not require use of ignition interlocks in DUI related deferred prosecutions.

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**Summary of Bill:**

### Prior Offenses as Criminal History in Vehicular Homicide Sentencing

The rules are clarified for establishing the sentence for vehicular homicide when the offender has prior serious traffic offenses.

Prior DUI related convictions are not considered when computing the offender score for the current offense of vehicular homicide while under the influence, but a two-year sentence enhancement is added for each prior DUI related offense. Other prior, non-DUI related, serious traffic offenses are included in the offender score when the current offense is vehicular homicide while under the influence.

### Ignition Interlocks

As a condition of granting a DUI related deferred prosecution petition, the court must order installation of an interlock device in certain cases. Interlocks are required when the DUI that gave rise to the deferred prosecution petition involved a BAC of 0.15 or higher, when the person refused the breathalyzer test, or when the person is charged with his or her second or subsequent DUI. The period of required use is one year if the offender has never previously been required to use an interlock, five years for a second required use, and 10 years for a third. The court may, but need not, order the use of an interlock in any other deferred prosecution.

### License Suspension/Revocation Hearing Fees

The DOL is allowed to waive the \$100 hearing fee for indigent persons who are facing administrative suspension or revocation of their drivers' licenses for refusal or failure of a breathalyzer test.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** The bill clarifies the intent of last year's legislation. There are several companies in the state now providing interlocks, so availability will not be a problem.

**Testimony Against:** None.

**Testified:** Senator Rossi, prime sponsor; and Pete Younger, Ignition Interlock.