

# SENATE BILL REPORT

## SB 5399

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As Reported By Senate Committee On:  
Judiciary, March 1, 1999

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

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

**Sponsors:** Senators Rossi, Kline, Costa and McCaslin.

**Brief History:**

**Committee Activity:** Judiciary: 2/26/99, 3/1/99 [DPS].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 5399 be substituted therefor, and the substitute bill do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Zarelli.

**Staff:** Lidia Mori (786-7755)

**Background:** 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 benefit by having a DUI related conviction in his or her criminal history.

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 in cases where the DUI involved an alcohol concentration (BAC) level of .15 or more or in second or subsequent DUI convictions. The bill was silent as to the required length of time first time DUI offenders must use an ignition interlock and also those subject to a DUI related deferred prosecution.

**Summary of Substitute Bill:** 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.

A person convicted of DUI with a BAC of .15 or more or in situations where the DUI is the second or subsequent DUI conviction, the court must order the person to drive only a vehicle equipped with an ignition interlock device. In cases where there is no BAC test result because the person refused to take the test, the court must order the person to drive only a vehicle equipped with an ignition interlock device. As a condition of granting a DUI related deferred prosecution petition, the court must order installation of an interlock device when the DUI that gave rise to the deferred prosecution petition involved a BAC of .15 or higher, the person refused the breathalyzer test or the person is charged with his or her second or subsequent DUI.

**Substitute Bill Compared to Original Bill:** The original bill was not considered.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This is a technical clean-up bill. There are six new studies coming out very soon on the use of ignition interlock systems. The results are extremely positive. There are also some new alcohol concentration testing tools being developed.

**Testimony Against:** None.

**Testified:** PRO: Senator Dino Rossi; Pete Youngers, Ignition Interlock of Washington.