

SENATE BILL REPORT

SB 6181

As of January 18, 2000

Title: An act relating to driving while under the influence of alcohol or any drug.

Brief Description: Increasing penalties for third and subsequent DUI offenses.

Sponsors: Senators McCaslin, T. Sheldon, Goings, Costa, Rasmussen and Oke.

Brief History:

Committee Activity: Judiciary: 1/19/2000.

SENATE COMMITTEE ON JUDICIARY

Staff: Lidia Mori (786-7755)

Background: Under current Washington law, the crimes of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or any drug (DUI) are gross misdemeanors. The maximum penalty that can be imposed is up to one year in jail and/or a \$5,000 fine. Current law specifies an escalating scale of mandatory minimum penalties for DUI offenses, depending upon the alcohol concentration (BAC) involved, whether the person refused a test of his or her breath or blood, and whether the person has had one or more prior offenses within seven years. A prior offense is defined as a conviction for DUI or physical control, vehicular homicide or vehicular assault committed while under the influence of liquor or any drug, a conviction for negligent driving first degree, reckless driving, or reckless endangerment if the conviction is the result of a charge that was originally filed as a DUI, vehicular homicide or vehicular assault.

There is concern that regardless of how many prior offenses a person convicted of DUI may have, he or she will not be punished by more than one year in jail. To ensure closer monitoring of chronic DUI offenders and stricter penalties, 41 states have enacted some sort of felony drunken driving law.

Summary of Bill: Driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or any drug is a class C felony if the offender has two or more prior convictions for DUI or physical control within a seven-year period. For purposes of sentencing, it is listed at seriousness level VIII.

A person charged with any crime where the BAC is an element of the offense and the BAC was at least .20 is not eligible for a deferred prosecution program.

The Department of Licensing is directed to refrain from destroying records of convictions for DUI, negligent driving first degree, reckless driving, or any other violation where the offense originally charged was DUI, vehicular assault or vehicular homicide.

Appropriation: None.

Fiscal Note: Requested on January 17, 2000.

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