

# HOUSE BILL REPORT

## SSB 5558

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**As Passed House - Amended:**

April 12, 2001

**Title:** An act relating to penalties for alcohol violators.

**Brief Description:** Clarifying penalty procedures for alcohol violators.

**Sponsors:** By Senate Committee on Judiciary (originally sponsored by Senators Rossi, Kline, Finkbeiner, Roach, Morton, Oke, Johnson, Long, Swecker, Stevens and Sheahan).

**Brief History:**

**Committee Activity:**

Judiciary: 3/23/01, 3/30/01 [DPA].

**Floor Activity:**

Passed House - Amended: 4/12/01, 95-1.

**Brief Summary of Substitute Bill  
(As Amended by House)**

- Prohibits courts from suspending the sentencing requirement that certain drunk driving offenders may drive only vehicles equipped with an ignition interlock.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass as amended. Signed by 8 members: Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Boldt, Casada, Esser, Lovick and McDermott.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Lambert, Republican Vice Chair.

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

**Background:**

One of the ways a person commits the offense of drunk driving (DUI) is by driving with a certain level of alcohol in his or her blood or breath. Committing DUI this way is

known as a per se violation. The level of blood or breath alcohol concentration (BAC) that triggers a per se DUI violation for drivers age 21 and over is 0.08 grams of alcohol per specified volumes of a person's breath or blood. For younger drivers, the per se BAC limit is 0.02.

A per se DUI offense is actually committed when a person has the required BAC within two hours after driving.— This means that a BAC test may be given up to two hours after an alleged DUI offense. The defendant may negate the test, however, by demonstrating that he or she consumed enough alcohol after driving to account for the BAC result.

Penalties for DUI escalate with repeat offenses. Penalties are also more severe for an offender, regardless of the number of prior offenses, if his or her BAC is 0.15 or higher. One of the penalties that applies to DUI offenders (other than first-time offenders with a BAC below 0.15) is a requirement that the offender drive only a vehicle equipped with an ignition interlock device. Such a device prevents a vehicle from being driven by a person who has alcohol in his or her system.

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**Summary of Amended Bill:**

Courts are prohibited from suspending the imposition of the required use of an ignition interlock in a DUI sentence.

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**Appropriation:** None.

**Fiscal Note:** Not Requested.

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

**Testimony For:** Many judges are routinely suspending the requirement that interlocks be used. The bill will insure that the original legislative intent is followed.

**Testimony Against:** None.

**Testified:** Pete Youngers, Ignition Interlock of Washington.