

SENATE BILL REPORT

SB 5558

As Reported By Senate Committee On:
Judiciary, February 26, 2001

Title: An act relating to penalties for alcohol violators.

Brief Description: Clarifying penalty procedures for alcohol violators.

Sponsors: Senators Rossi, Kline, Finkbeiner, Roach, Morton, Oke, Johnson, Long, Swecker, Stevens and Sheahan.

Brief History:

Committee Activity: Judiciary: 2/13/01, 2/26/01 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5558 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach and Zarelli.

Staff: Lidia Mori (786-7755)

Background: A person is guilty of driving while under the influence of liquor or any drug if the person drives a motor vehicle within this state and, within two hours after driving, has an alcohol concentration of 0.08 or higher. The statute which governs the penalties for alcohol violators does not specify that a certain penalty will apply if the blood alcohol level of the driver is at or above a particular level within two hours after driving as shown by analysis of the person's blood or breath. Proponents of this bill believe additional direction and specificity is needed in the statutes pertaining to penalties for alcohol violators in order to lessen the number of DUI cases where violators receive a lesser penalty due to the person's blood alcohol level being reduced and also avoid the requirement to drive only a motor vehicle equipped with an ignition interlock.

Summary of Substitute Bill: The penalty statute that applies to driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or any drug is applied when, within two hours after operating or being in physical control of the motor vehicle, the person had an alcohol concentration at or below a specified level, as shown by analysis of the person's breath or blood.

Substitute Bill Compared to Original Bill: The substitute bill prohibits courts from suspending the requirement that a person drive only a vehicle equipped with an ignition interlock when that restriction is required by statute to be imposed.

Appropriation: None.

Fiscal Note: Requested on February 8, 2001.

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

Testimony For: There are some drunk driving cases occurring where the blood/breath alcohol levels are being reduced so the defendants can avoid the ignition interlock requirement. The ignition interlock requirement helps to lower the recidivism rate and it should not be able to be suspended.

Testimony Against: None.

Testified: Senator Rossi; Pete Youngers, Ignition Interlock of Washington; Wayne Smith, MADD; Tom McBride, Washington Association of Prosecuting Attorneys Office.