

# HOUSE BILL REPORT

## HB 1619

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### As Reported by House Committee On:

Judiciary

**Title:** An act relating to driving while under the influence with children in the vehicle.

**Brief Description:** Increasing penalties for driving while under the influence with children in the vehicle.

**Sponsors:** Representatives Lovick, Delvin, Kirby, Dickerson, Ahern, Nixon, Wallace, Romero, Haigh, Sullivan, Pettigrew, Chase, O'Brien, Lantz, Quall, Miloscia, Berkey, Dunshee, Blake, Hudgins, Cooper, Moeller, Morrell, Schual-Berke, Edwards, Simpson, Bush, Eickmeyer, Murray, Kessler, Conway, Darneille, Kenney, Upthegrove and Rockefeller.

### Brief History:

#### Committee Activity:

Judiciary: 2/14/03, 2/25/03 [DPS].

#### Brief Summary of Substitute Bill

- Adds 60 days of ignition interlock use for a person convicted of drunk driving if he or she was carrying a passenger under the age of 16 at the time of the offense.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

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

### Background:

The state's drunk driving law has an escalating system of penalties for persons convicted of driving while under the influence (DUI). Among those penalties are mandatory minimum periods of incarceration and electronic home monitoring. The lengths of these

periods increase with the number of prior convictions a driver has, and with the blood or breath alcohol concentration (BAC) of the driver. The penalties range as follows:

**First Offense:**

- BAC under 0.15 - one day in jail or 15 days of electronic monitoring.
- BAC of 0.15 or more - two days in jail or 30 days of electronic monitoring.

**Second Offense:**

- BAC under 0.15 - 30 days in jail and 60 days of electronic monitoring.
- BAC of 0.15 or more - 45 days in jail and 90 days of electronic monitoring.

**Third or Subsequent Offense:**

- BAC under 0.15 - 90 days in jail and 120 days of electronic monitoring.
- BAC of 0.15 or more - 120 days in jail and 150 days of electronic monitoring.

Courts are authorized in all cases of DUI and required in some to order that when an offender's driving privileges are restored, he or she must have an ignition interlock device installed on any vehicle he or she drives.

In deciding whether to sentence a person beyond these minimums, the court is directed to consider whether the driver caused any injury or damage, and whether there were passengers in his or her car.

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**Summary of Substitute Bill:**

If a person commits DUI while there is a passenger under the age of 16 in the vehicle, the court must order 60 days of ignition interlock use in addition to any mandatory use, and at least 60 days of interlock use otherwise.

**Substitute Bill Compared to Original Bill:**

The original bill requires 60 days of jail or home monitoring in addition to existing mandatory minimum terms of confinement or monitoring if DUI is committed with a passenger under the age of 16 in the vehicle.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** (Original bill) The bill is another important step toward protecting our children. Young people often have no choice about riding in a vehicle with a drunk

parent or other driver. Drunk driving is a leading cause of death and injury to children, and most often these deaths and injuries occur because the vehicle in which the child was riding was being driven by a drunk, not because the vehicle was hit by another drunk driver. Crashes tend to be more severe, and children tend to be less likely to be buckled in when the driver of their vehicle is drunk.

(Concerns with original bill) The increased costs of more jail time will be substantial.

**Testimony Against:** None.

**Testified:** (In support) Representative Lovick, prime sponsor; Pete Youngers and Karen Minihan, Mothers Against Drunk Driving; Glenn Cramer, Washington State Patrol; and Steve Lind, Washington Traffic Safety Commission.

(With concerns) Sophia Byrd, Washington Association of Counties.