
Judiciary Committee

HB 2778

Title: An act relating to required community service for drunk driving offenders.

Brief Description: Increasing community service requirements for DUI offenses.

Sponsors: Representatives Tom, Kagi, Rockefeller, O'Brien, Hudgins, Moeller and Kenney.

Brief Summary of Bill

- Replaces a mandatory day in jail for first-time DUI offenders with a mandatory 200 hours of community service.
- Adds a mandatory 200 hours of community service to the sentences of all other DUI offenders.
- Requires that the community service be performed for a parks department while wearing conspicuous clothing marked "DUI Offender."

Hearing Date: 1/29/04

Staff: Bill Perry (786-7123).

Background:

The crime of driving while under the influence (DUI) is a gross misdemeanor. It is committed by driving with a blood or breath alcohol concentration (BAC) above 0.08 in the case of a person age 21 or over, or above 0.02 in the case of a person under the age of 21. DUI is also committed by a person who is driving while under the influence of alcohol or drugs, regardless of the person's BAC level.

The DUI law contains a system of escalating penalties that increase with the number of past offenses and with the BAC level of the offender at the time of the current offense. In addition to mandatory periods of incarceration, DUI convictions carry mandatory loss of driving privileges, mandatory fines, mandatory alcohol abuse screening, and, in the case of offenders with high BACs or with repeat offenses, mandatory use of ignition interlocks upon restoration of driving privileges.

There are two levels of BAC scores in this sentencing scheme. Persons with BACs of less than 0.15 are treated more leniently than persons with higher BACs. If there is no BAC evidence at trial, a person who has refused to take the test is treated as a person with a BAC of 0.15 or more. A

person for whom there is no BAC evidence for some reason other than refusal is treated the same as a person with a BAC of less than 0.15.

As a gross misdemeanor, DUI carries a maximum jail sentence of one year. For each level of the offense, however, a mandatory minimum jail sentence must be imposed. The mandatory minimum jail sentences range as follows:

- For a first offense with a BAC below 0.15, one day in jail *or* 15 days of electronic home monitoring;
- For a first offense with a BAC of 0.15 or more, two days in jail *or* 30 days of electronic home monitoring;
- For a second offense with a BAC below 0.15, 30 days in jail *and* 60 days of electronic home monitoring;
- For a second offense with a BAC at or above 0.15, 45 days in jail *and* 90 days of electronic home monitoring;
- For a third offense with a BAC below 0.15, 90 days in jail *and* 120 days of electronic home monitoring; and
- For a third offense with a BAC at or above 0.15, 120 days in jail *and* 150 days of electronic home monitoring.

In addition to any of these mandatory minimum sentences, a court may order fines and jail terms up to the maximum for a gross misdemeanor, and may order additional punishment such as community service.

Summary of Bill:

A mandatory minimum of 200 hours of community service is imposed on all DUI offenders. The community service replaces the mandatory minimum one day in jail for a first-time, low BAC offender, and replaces one of the two days for a first time, high BAC offender. For all other offenders, the 200 hours of community service is in addition to the mandatory minimum jail sentences already required.

The required 200 hours of community service must be served in aid of a parks department. It also must be performed while wearing clothing such as that worn by jail inmates, but prominently marked with the words "DUI Offender."

Appropriation: None.

Fiscal Note: Requested on January 21, 2004.

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