

HOUSE BILL REPORT

HB 2704

As Reported by House Committee On:
Judiciary

Title: An act relating to considering vehicular assault and vehicular homicide convictions from other jurisdictions under the felony drunk driving law.

Brief Description: Considering vehicular assault and vehicular homicide convictions from other jurisdictions under the felony drunk driving law.

Sponsors: Representatives Lantz, Goodman, Hurst, Warnick, O'Brien, Kirby, Williams, Darneille, Takko, Blake, Rodne, Quall, Moeller, Sells, Morrell, Miloscia, McDonald, Loomis, Simpson, VanDeWege, Ericks, Kelley and Rolfes.

Brief History:

Committee Activity:

Judiciary: 1/30/08, 2/4/08 [DP].

Brief Summary of Bill

- Increases drunk driving to a class C felony if the defendant has a prior out-of-state conviction for an offense that is comparable to Vehicular Homicide by Intoxicating Liquor or Drug or Vehicular Assault by Intoxicating Liquor or Drug.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 11 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Flannigan, Kirby, Moeller, Pedersen, Ross and Williams.

Staff: Jim Morishima (786-7191).

Background:

Drunk driving, or Driving Under the Influence (DUI), actually consists of two similar offenses: Driving Under the Influence of Intoxicating Liquor or Any Drug and Being in Actual Physical Control of a Motor Vehicle While Under the Influence of Intoxicating Liquor or Any Drug.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A person is guilty of DUI if he or she drives a vehicle, or is in actual physical control of a vehicle, and:

- the person has, within two hours of driving, an alcohol concentration of 0.08 or higher; or
- the person is under the influence of, or affected by, intoxicating liquor or any drug (or combination thereof).

The crime of DUI is a class C felony (seriousness level V) if the person has four or more prior convictions for DUI or a prior conviction for Vehicular Homicide by Intoxicating Liquor or Drug or Vehicular Assault by Intoxicating Liquor or Drug. The crime of DUI is a gross misdemeanor under any other circumstances.

Summary of Bill:

The crime of DUI is a class C felony (seriousness level V) if the person has a prior out-of-state conviction for an offense that is comparable to Vehicular Homicide by Intoxicating Liquor or Drug or Vehicular Assault by Intoxicating Liquor or Drug.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Currently, out-of-state convictions for Vehicular Assault and Vehicular Homicide do not count when determining whether a defendant has committed felony DUI. This bill fixes that oversight. This bill fits within the purpose of the Sentencing Reform Act. Although there is a fiscal cost to this bill, the state must invest in prevention because of the human cost of DUI.

(Opposed) None.

Persons Testifying: Representative Lantz, prime sponsor; Seth Dawson, Washington Association for Substance Abuse; Richard Morrow; Kathleen Gilbert; Kathy Schuster; Gordon Schuster; Nora Sizemore; Joan Oquist; and Dave Johnson, Washington Coalition of Crime Victims.

Persons Signed In To Testify But Not Testifying: None.