

FINAL BILL REPORT

SHB 2130

C 474 L 07

Synopsis as Enacted

Brief Description: Providing a means to determine "prior offenses" to implement chapter 73, Laws of 2006, regarding driving under the influence.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Goodman, Lantz, Moeller and Rodne).

House Committee on Judiciary
Senate Committee on Judiciary

Background:

A person can commit driving under the influence of intoxicating liquor or any drug (DUI) in two ways:

- if the person drives and has, within two hours of driving, a blood or breath alcohol concentration of .08 or higher (per se violation); or
- if the person drives and is under the influence of or affected by intoxicating liquor, any drug, or both (actual impairment).

All DUI convictions prior to July 1, 2007, are gross misdemeanors, regardless of the defendant's number of prior convictions. The misdemeanor DUI laws contain a complex system of mandatory minimum penalties that escalate based on the number of "prior offenses within seven years" that the offender has and the offender's blood or breath alcohol concentration for the current offense.

A prior offense is "within seven years" if the arrest for a prior offense occurred within seven years of the arrest for the current offense. By contrast, under felony sentencing laws, the corresponding time period is generally from the end of the person's confinement for a prior crime to the commission of the new crime.

"Prior offenses" include convictions for: (1) DUI; (2) vehicular homicide and vehicular assault if either was committed while under the influence; (3) negligent driving after having consumed alcohol ("wet neg"), reckless driving, and reckless endangerment, if the original charge was DUI, vehicular homicide, or vehicular assault; and (4) an equivalent local DUI ordinance or out-of-state DUI law. In addition, a deferred prosecution for DUI or "wet neg" is a prior offense even if the charges are dropped after successful completion of the deferred prosecution program.

In 2006 the Legislature passed a law that makes DUI a felony if the person has four or more "prior offenses within ten years." The law, which takes effect July 1, 2007, does not define "within ten years."

Summary:

For the purposes of determining prior offenses under the felony DUI law, the term "within ten years" means that the arrest for a prior offense occurred within 10 years of the arrest for the current offense.

Votes on Final Passage:

House	96	0
Senate	48	0

Effective: July 1, 2007