
Judiciary Committee

HB 1113

Title: An act relating to prior offenses for the purposes of felony driving or being in physical control of a vehicle while under the influence of intoxicating liquor or any drug.

Brief Description: Modifying provisions relating to prior offenses for the purposes of felony driving or being in physical control of a vehicle while under the influence of intoxicating liquor or any drug.

Sponsors: Representatives Rolfes, Klippert, Warnick, Hurst, Finn, Miloscia, Kelley, Goodman, Lias, Fitzgibbon and Smith.

Brief Summary of Bill
<ul style="list-style-type: none">• Removes the 10 year limitation of prior offenses for the purposes of the felony driving under the influence (DUI) statute.• Specifies that prior offenses includes convictions from other state and tribal jurisdictions.

Hearing Date: 2/14/11

Staff: Trudes Tango (786-7384).

Background:

Generally, the offense of driving while under the influence of intoxicating liquor or any drug is a gross misdemeanor. However, the offense becomes a class C felony if the driver has: (a) four or more prior offenses within 10 years; or (b) any prior conviction of vehicular homicide based on DUI or vehicular assault based on DUI, or a comparable out-of-state conviction.

"Prior offenses " include convictions for: (a) DUI; (b) vehicular homicide and vehicular assault if either was committed while under the influence; (c) negligent driving in the first degree, reckless driving, and reckless endangerment, if the original charge was for DUI, vehicular homicide, or vehicular assault; and (d) an out-of-state offense that is equivalent to the above

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.

listed offenses. In addition, a deferred prosecution for DUI or negligent driving in the first degree counts as a prior offense even if the charges are dropped after successful completion of the deferred prosecution program.

Penalties for felony DUI are governed by the Sentencing Reform Act, and the driver's presumptive sentence depends, in part, on his or her "offender score" (based on prior criminal history). An offender who is convicted of felony DUI because the offender had four prior offenses will receive a presumptive sentence range of 22 to 29 months, assuming the offender has no other criminal history. If the offender has a higher offender score, the presumptive sentence will be longer.

Summary of Bill:

The 10 year limitation for prior offenses in the felony DUI statute is removed. A DUI conviction is a felony if the person has four or more prior offenses, regardless of when those prior offenses were committed. In addition, prior offenses include convictions from other state or tribal jurisdictions.

Appropriation: None.

Fiscal Note: Available.

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