
Judiciary Committee

HB 1556

Title: An act relating to increasing the penalties for first-time offenders of driving or being in physical control of a vehicle while under the influence of intoxicating liquor or any drug.

Brief Description: Increasing the penalties for first-time offenders of driving or being in physical control of a vehicle while under the influence of intoxicating liquor or any drug.

Sponsors: Representatives Kirby, Orwall, Miloscia, Stanford, Kelley, Blake and Smith.

Brief Summary of Bill

- Increases the mandatory minimum jail terms for first-time driving under the influence (DUI) offenders and requires the offender to pay for the cost of incarceration.

Hearing Date: 2/14/11

Staff: Trudes Tango (786-7384).

Background:

There are both criminal and administrative consequences for DUI. Criminal penalties for a DUI conviction include suspension of the person's driver's license, monetary fines, jail, electronic home monitoring (EHM) alcohol evaluation, court-ordered treatment, ignition interlock requirements, and probation. Administrative consequences include license suspension and ignition interlock requirements, whether or not the person is ever charged or convicted.

The misdemeanor DUI law contains a complex system of mandatory minimum penalties that escalate based on the number of prior offenses the offender has within seven years and the offender's blood alcohol content (BAC) for the current offense. The minimum penalties for gross misdemeanor DUI are as follows:

First offense:

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- BAC under 0.15 or no BAC for reasons other than refusal - one day in jail or 15 days of electronic monitoring; \$350 fine; 90 days license loss.
- BAC of 0.15 or higher or person refused BAC - two days in jail or 30 days of electronic monitoring; \$500 fine; one year license loss (or two years if refused BAC).

One prior offense within seven years:

- BAC under 0.15 or no BAC for reasons other than refusal - 30 days in jail and 60 days of electronic monitoring; \$500 fine; two years license loss.
- BAC of 0.15 or more or person refused BAC - 45 days in jail and 90 days of electronic monitoring; \$750 fine; 900 days license loss (or three years if refused BAC).

Two or three prior offenses within seven years:

- BAC under 0.15 or no BAC for reasons other than refusal - 90 days in jail and 120 days of electronic monitoring; \$1,000 fine; three years license loss.
- BAC of 0.15 or more or person refused BAC - 120 days in jail and 150 days of electronic monitoring; \$1,500 fine; four years license loss.

The DUI statute requires the offender to pay the costs of electronic home monitoring. Another statute that applies to criminal procedures in general, allows the court to impose costs on a convicted defendant. Costs can include the cost of incarceration, capped at \$100 per day for incarceration. The statute provides that other court-ordered legal financial obligations take precedence over the payment of costs of incarceration.

Summary of Bill:

The mandatory minimum jail sentence for first-time DUI offenders is increased. For an offender with a BAC of less than .15, or if there was no BAC for reasons other than the offender's refusal to take the BAC test, the mandatory minimum jail term is three days, rather than one day. For an offender with a BAC of .15 or higher or if the offender refused to take the BAC test, the mandatory minimum jail term is one week, rather than two days.

The offender must pay the cost of incarceration.

Appropriation: None.

Fiscal Note: Available.

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