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## Judiciary Committee

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### HB 2302

**Title:** An act relating to being under the influence with a child in the vehicle.

**Brief Description:** Concerning being under the influence with a child in the vehicle.

**Sponsors:** Representatives Goodman, Warnick, Kenney, Kagi, Liias, Orwall, Billig, Hasegawa, Finn, Kelley, Rodne, Moeller, Dammeier, Reykdal, Van De Wege, Maxwell, Tharinger, Sells, Jinkins, Hurst, Green, McCoy, Smith, Pearson, Appleton, Darneille, Hunt, Fitzgibbon, Miloscia, Zeiger, Ryu, Stanford, Johnson and Seaquist; by request of Washington State Patrol.

#### Brief Summary of Bill

- Amends existing enhancements and adds new enhancements for individuals arrested or convicted of Driving Under the Influence (DUI) of drugs or alcohol with a child under the age of 16 present in the vehicle.
- For DUI-related arrests, requires law enforcement to note that a child under the age of 16 was present in the vehicle and increases the passenger age that triggers a Child Protective Services notification from 13 to 16.
- Establishes enhanced monetary penalties for individuals convicted of a gross misdemeanor DUI with a child under the age of 16 in the vehicle, with fines increasing based the number of prior convictions.
- Establishes an enhanced sentence for individuals convicted of DUI-related felonies with a child under the age of 16 present in the vehicle.

**Hearing Date:** 1/18/12

**Staff:** Valerie Rickman (786-7119).

**Background:**

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*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.*

The state's drunk driving law has a number of penalty enhancements for individuals convicted of Driving Under the Influence of Drugs or Alcohol (DUI) under certain conditions. Two enhancements apply to individuals arrested and convicted of driving under the influence of alcohol or drugs with a minor passenger in the vehicle.

First, law enforcement officers must notify Child Protective Services if arresting an individual for DUI with a child under the age of 13 in the vehicle.

Second, courts must add to the already required time or set a minimum period of time that an individual is required to have an ignition interlock installed in a vehicle when the individual is convicted of DUI with a child under the age of 16 in the vehicle. The court must add 60 days to the mandatory term for any individual convicted of DUI with a minor child in the vehicle; or require that an ignition interlock be installed for a minimum of 60 days when an ignition interlock is not otherwise mandatory.

**Summary of Bill:**

The following enhancements apply when an individual is arrested, charged, or convicted of DUI with a child under the age of 16 in the vehicle:

Gross misdemeanor and DUI-related felonies.

Law enforcement must note that a child under the age of 16 was present in the vehicle.

Law enforcement must notify Child Protective Services when there was a child under the age of 16, rather than 13, in the vehicle and the person being arrested for a DUI-related offense is the child's parent, guardian, or legal custodian.

The amount of additional time that an individual must have an ignition interlock installed is increased from 60 days to 6 months.

Gross misdemeanor DUI only.

If an individual is convicted of a gross misdemeanor DUI with a child under the age of 16 in the car, additional monetary penalties are assessed based on an individual's prior convictions.

- No prior offenses: minimum of \$1,000 and the maximum is \$5,000.
- One prior offense: minimum of \$2,000 and the maximum is \$5,000.
- Three or more prior offenses: minimum of \$3,000 and the maximum is \$10,000.

DUI-related felonies only.

If an individual is convicted of a felony DUI, Vehicular Assault DUI or Vehicular Homicide DUI and had a child under the age of 16 in the car at the time of the offense, an enhanced sentence of twelve months for each child in the vehicle is added to the standard sentence for any felony-related DUI conviction. If the sentence exceeds the statutory maximum, the portion of the sentence that is related to having a minor child in the vehicle shall not be reduced.

**Appropriation:** None.

**Fiscal Note:** Available.

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