
Public Safety Committee

SB 6413

Brief Description: Clarifying prior offenses for driving under the influence or physical control of a vehicle under the influence.

Sponsors: Senators Fain, Eide, Padden, Pearson, Hobbs, Angel, King, Becker, Tom, Sheldon, Dammeier, Honeyford, Hill, O'Ban, Litzow, Brown, Schoesler and Rolfes.

Brief Summary of Bill

- Adds five new offenses to the list of those offenses that count as a "prior offense" when a person is charged with an impaired driving offense.

Hearing Date: 2/21/14

Staff: Yvonne Walker (786-7841).

Background:

A person can commit Driving Under the Influence (DUI) or being in Physical Control (PC) of a motor vehicle under the influence of intoxicating liquor or any drug if the person drives with a blood or breath alcohol concentration of 0.08 percent or higher, or is under the influence of or affected by liquor or any drug. A DUI or PC offense is punishable as a gross misdemeanor offense with progressively serious penalties depending upon whether the person has a criminal history that includes prior offenses within seven years. It becomes a class C felony, ranked at level V on the sentencing grid, if a person has four or more prior offenses within 10 years.

A prior offense, for charging purposes, includes the following:

- a conviction for DUI or PC;
- Vehicular Homicide committed while under the influence of intoxicating liquor or any drug, or committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation committed 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 conviction for Vehicular Assault committed while under the influence of intoxicating liquor or any drug, or a committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation committed while under the influence of intoxicating liquor or any drug;
- a conviction for Negligent Driving in the first degree, Reckless Driving, or Reckless Endangerment, if the conviction is the result of a charge that was originally filed as a violation of DUI, PC, Vehicular Homicide, or Vehicular Assault;
- an out-of-state conviction for an equivalent offense;
- a deferred prosecution granted in a prosecution for a violation of DUI or PC;
- a deferred prosecution granted in a prosecution for Negligent Driving, if the charge under which the deferred prosecution was granted was originally filed as a violation of DUI, PC, Vehicular Homicide, or Vehicular Assault;
- a deferred prosecution granted in another state for DUI or PC if the out-of-state deferred prosecution is equivalent to the deferred prosecution in Washington, including a requirement that the defendant participate in a chemical dependency treatment program; or
- a deferred sentence imposed in a prosecution for Negligent Driving in the first degree, Reckless Driving, or Reckless Endangerment, if the charge under which the deferred sentence was imposed (because it was pled down to a lesser charge) was originally filed as a DUI, PC, Vehicular Homicide, or Vehicular Assault offense.

Summary of Bill:

Five new offenses are added to the list of those that count as prior offenses when a person is charged with a DUI or PC offense. The additional offenses are the following:

- a conviction for DUI or PC of a commercial motor vehicle with alcohol in the offender's system;
- a conviction for Operation of a Vessel Under the Influence of alcohol or any drug;
- a conviction for Operation of an Aircraft Under the Influence of alcohol or any drug;
- a conviction for Operation of a Non-Highway Vehicle Under the Influence of alcohol or drug; and
- a conviction for Operation of a Snowmobile Under the Influence of alcohol or any drug.

Appropriation: None.

Fiscal Note: Available.

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