

SENATE BILL REPORT

SB 6085

As of January 17, 2014

Title: An act relating to prior offenses within fifteen years for driving under the influence or physical control of a vehicle violations.

Brief Description: Concerning prior offenses within fifteen years for driving under the influence or physical control of a vehicle violations.

Sponsors: Senator O'Ban.

Brief History:

Committee Activity: Law & Justice: 1/17/14.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Aldo Melchiori (786-7439)

Background: A person can commit driving under the influence (DUI) or being in physical control of a motor vehicle under the influence (PC) 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 if the person has fewer than four prior DUI or PC 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 ten years.

A prior offense is within seven years if the arrest for a prior offense occurred within seven years before or after the arrest for the current offense. Similarly, a prior offense is within ten years if the arrest for a prior offense occurred within ten years before or after the arrest for the current offense.

Prior offenses include convictions for (1) DUI or PC; (2) vehicular homicide and vehicular assault if either was committed while under the influence; (3) negligent driving after having consumed alcohol (wet neg), and reckless endangerment, if the original charge was DUI, PCI, vehicular homicide, or vehicular assault; and (4) an equivalent local DUI or PC 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.

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.

Summary of Bill: For both gross misdemeanor and felony DUI and PC offenses, prior offenses are counted if the arrest for a prior offense occurred within 15 years before or after the arrest for the current offense.

Appropriation: None.

Fiscal Note: Requested on January 14, 2014.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We need to enhance the long-term consequences of DUI offender's actions. Extended look-back periods can help get more DUI offenders off the street and also help those offenders address their long-term problems. Many of these offenders have multiple substance abuse problems. Recent events demonstrate that longer look-back periods can help get chronic offenders off the street and provide more appropriate sentences. It is very important to have a complete picture of an offender's prior criminal history when they are being charged and sentenced. The Legislature is correctly focusing on repeat DUI offenders.

Persons Testifying: PRO: Senator O'Ban, prime sponsor; Tom McBride, WA Assn. of Prosecuting Attorneys; Judge Michael Fields, Century Council Advisory Board, Harris County Criminal Court, Texas.