

SENATE BILL REPORT

SB 6085

As Reported by Senate Committee On:
Law & Justice, January 27, 2014
Ways & Means, February 11, 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, 1/27/14 [DPS-WM, DNP].
Ways & Means: 2/10/14, 2/11/14 [DPS(LAW), DNP, w/oRec].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6085 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille, Pearson and Roach.

Minority Report: Do not pass.

Signed by Senators Kline, Ranking Member; Pedersen.

Staff: Aldo Melchiori (786-7439)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6085 as recommended by Committee on Law & Justice be substituted therefor, and the substitute bill do pass.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Bailey, Becker, Braun, Conway, Dammeier, Frockt, Hewitt, Padden, Parlette, Rivers, Schoesler and Tom.

Minority Report: Do not pass.

Signed by Senators Hargrove, Ranking Member; Fraser, Hasegawa and Kohl-Welles.

Minority Report: That it be referred without recommendation.

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.

Signed by Senator Billig.

Staff: Travis Sugarman (786-7446)

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.

Summary of Bill (Recommended Substitute): 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.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Substitute): A technical amendment is made to conform statutes not included in the original bill.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill (Law & Justice): 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 (Law & Justice): 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.

Staff Summary of Public Testimony on Substitute (Ways & Means): PRO: The estimates are believed to be higher than the actual impact will show to be if this bill goes through based on the estimated impact and the real impact of the changes from previous DUI-related bills. There is a difference between someone that has been shown to be driving intoxicated weekly vs. a person that has been dry for five years until the current offense.

CON: Being tougher on DUIs is believed to be the answer to the problem. In addition, alcohol offenses and tetrahydrocannabinol (THC) offenses should be pulled apart as there is no evidence that THC impairs one's ability to drive.

OTHER: The Governor's Office recommends that these DUI issues be provided to the Sentencing Guidelines Commission to review and provide recommendations. Last session a workgroup was created to make recommendations but did not look at how to pay for changes.

Persons Testifying (Ways & Means): PRO: Tom McBride, WA Assn. of Prosecuting Attorneys.

CON: Arthur West, citizen.

OTHER: Sandy Mullins, Office of Financial Management.