

# SENATE BILL REPORT

## SB 6415

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As of February 11, 2014

**Title:** An act relating to consecutive sentences for driving under the influence or physical control of a vehicle under the influence of intoxicating liquor, marijuana, or any drug.

**Brief Description:** Concerning consecutive sentences for driving under the influence or physical control of a vehicle under the influence of intoxicating liquor, marijuana, or any drug.

**Sponsors:** Senators Fain, Angel, Tom, Dammeier, Hill, Becker, Eide, Hobbs, King, Brown, Bailey, Litzow, Schoesler, Braun and Rolfes.

**Brief History:**

**Committee Activity:** Law & Justice: 2/05/14, 2/06/14 [DP-WM, DNP].  
Ways & Means: 2/10/14.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass and be referred to Committee on Ways & Means.  
Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

**Minority Report:** Do not pass.  
Signed by Senators Kline, Ranking Member; Darneille and Pedersen.

**Staff:** Aldo Melchiori (786-7439)

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### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Travis Sugarman (786-7446)

**Background:** The sentencing court has broad discretion when sentencing offenders in misdemeanor and gross misdemeanor cases. Generally, sentences for multiple felony offenses set at one sentencing hearing are served concurrently unless there are two or more separate serious violent offenses or weapon offenses. In those cases, the sentences are served consecutively, unless an exceptional sentence is entered. The exceptions to this general rule are as follows:

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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.*

- If the court enters a finding that some or all of the current offenses required the same criminal intent, were committed at the same time and place, and involved the same victim, the offenses are treated as one offense.
- In the case of two or more serious violent offenses arising from separate and distinct criminal conduct, the sentences for these serious violent offenses are served consecutively to each other and concurrently with any other sentences imposed for current offenses.
- In the case of an offender convicted of unlawful possession of a firearm in the first or second degree and for one or both of the crimes of theft of a firearm or possession of a stolen firearm, the sentences for these crimes are served consecutively for each conviction of the felony.
- In the case of an offender receiving a deadly weapon enhancement, the deadly weapon enhancement portion of the standard range is served consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements.
- Whenever a current offense is committed while the offender is under sentence for a previous felony and the offender was also sentenced for another term of imprisonment, the latter term may not begin until expiration of all prior terms. Whenever a person is sentenced under a felony that was committed while the person was not under sentence for a felony, the sentence runs concurrently with felony sentences previously imposed by any court unless the court pronouncing the subsequent sentence expressly orders that they be served consecutively.

**Summary of Bill:** Sentences for a felony driving under the influence or being in physical control of a motor vehicle under the influence of intoxicating liquor or any drug must be served consecutively with any sentences imposed for circumventing an ignition interlock device or operating a motor vehicle without a required ignition interlock device, both gross misdemeanor offenses. Sentences for circumventing an ignition interlock device or operating a motor vehicle without a required ignition interlock device are also served consecutively.

**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 (Law & Justice):** PRO: This gives prosecutors a better ability to seek an appropriate sentence. It will increase public safety by providing more appropriate sentences. The bill gives the court more discretion. It does not mandate a longer sentence.

**Persons Testifying (Law & Justice):** PRO: Senator Fain, prime sponsor; Tom McBride, WA Assn. of Prosecuting Attorneys.

**Staff Summary of Public Testimony (Ways & Means):** PRO: Regarding any concerns about consecutive sentencing, it was noted that the ignition interlock offenses are not a mandatory sentence and could be added to a person's sentence at zero. This bill allows these

offenses for repeat DUI offenders to be dealt with differently. This bill focuses on repeat offenders and should have a small fiscal impact bringing in offenses for things like flying airplanes under the influence which I believe there were no convictions for in the last year. The 24/7 program was put in place in the biennial budget which also focuses on repeat offenders and reducing recidivism.

**Persons Testifying (Ways & Means):** PRO: Tom McBride, WA Assn. of Prosecuting Attorneys; Don Pierce, WA Assn. of Sheriffs and Police Chiefs.