

HOUSE BILL REPORT

HB 2280

As Reported by House Committee On:
Public Safety

Title: An act relating to making felony driving under the influence of intoxicating liquor, marijuana, or any drug a class B felony.

Brief Description: Making felony driving under the influence of intoxicating liquor, marijuana, or any drug a class B felony.

Sponsors: Representatives Klippert and Hayes.

Brief History:

Committee Activity:

Public Safety: 1/13/16, 1/22/16 [DP].

Brief Summary of Bill

- Increases a felony level Driving Under the Influence offense from a class C felony to a class B felony offense.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 7 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Appleton, Griffey, Moscoso and Wilson.

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 (BAC) of 0.08 or higher, a THC (tetrahydrocannabinol) concentration of 5.0 or higher, or is under the influence of or affected by liquor or any drug. A DUI offense is punishable as a gross misdemeanor. It becomes a seriousness level V, class C felony offense if a person has four or more prior offenses within

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10 years or has previously been convicted of Vehicular Homicide or Vehicular Assault, while under the influence of intoxicating liquor or any drug.

The statutory maximum sentence for a class C felony is five years in prison, a maximum fine of \$10,000, or both imprisonment and a fine. The statutory maximum sentence for a class B felony offense is 10 years in prison, a maximum fine of \$20,000, or both imprisonment and a fine.

Summary of Bill:

A felony level DUI offense is increased to a class B felony offense (from a class C felony).

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill would make it a class B felony offense if the person has four or more prior offenses. This is for a person that has been previously found guilty and was convicted on four separate occasions in a 10-year period. The state needs to hold these offenders for longer periods of time to protect society and supervise them under community supervision.

(Opposed) If there is such a problem with people repeatedly drinking and driving then the maximum penalty under the law is probably not enough. However, there should be a distinction in penalties for those that drink and drive and those that use marijuana and drive. There should also be a difference between per se offenses and actual intoxication offenses.

Persons Testifying: (In support) Representative Klippert, prime sponsor.

(Opposed) Arthur West.

Persons Signed In To Testify But Not Testifying: None.