
Public Safety Committee

2SSB 5105

Brief Description: Making a fourth driving under the influence offense a felony.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Padden, Frockt, O'Ban, Fain, Fraser, Pearson, Roach and Darnelle).

Brief Summary of Second Substitute Bill

- Makes it a felony offense to commit three or more prior (instead of four or more) Driving Under the Influence (DUI) or being in Physical Control (PC) of a motor vehicle under the influence of intoxicating liquor or any drug offenses with 10 years.
- Reduces felony DUI/PC offenses from a seriousness level V to a seriousness level IV offense.
- Assesses a \$50 fee for DUI, PC, vehicular homicide, or vehicular assault offenses with the funding being used to fund organizations that have programs that combat driving under the influence of alcohol or drugs.

Hearing Date: 4/14/15

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/PC offense is punishable as a gross misdemeanor offense. It becomes a seriousness level V, class C felony offense if a person has four or more prior offenses within 10 years. The presumptive sentence range for a person convicted of a felony level DUI/PC offense is 22 to 29 months in prison.

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.

In addition to the periods of incarceration, a conviction for a DUI/PC offense can also include mandatory fees and fines ranging from \$1,000 up to \$5,000. Such fees include, but are not limited to Public Safety and Education Assessments, court costs, criminal conviction fees, and fees for funding the Washington State Toxicology Lab, and fees for funding the Washington State Patrol for grants and activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs.

Summary of Bill:

A DUI/PC offense becomes punishable as a felony level offense if a person has three or more prior offenses (instead of four or more) within 10 years. Such offenses are ranked as a seriousness level IV (instead of a V), class C felony offense. The presumptive sentence range for a person convicted of three or more DUI/PC offenses and no other criminal history is 13 to 17 months in prison.

An additional \$50 fee is also assessed on all persons convicted, sentenced to a lesser charge, or given a deferred prosecution as a result of an arrest for violating a DUI, PC, vehicular homicide, or vehicular assault offense. Revenue from the \$50 fee must be distributed to the Washington Traffic Safety Commission to provide grants to organizations within counties to reduce driving under the influence of alcohol or drugs.

Appropriation: None.

Fiscal Note: Available.

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