

# HOUSE BILL REPORT

## E2SSB 5105

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As of Second Reading

**Title:** An act relating to making a fourth driving under the influence offense a felony.

**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 Darneille).

**Brief History:**

**Committee Activity:**

Public Safety: 4/14/15.

**Brief Summary of Engrossed Second Substitute Bill**

- Makes it a felony level offense on a person's fourth Driving Under the Influence (DUI) conviction (instead of the fifth offense).
- Reduces felony level DUI offenses from a seriousness level V to a seriousness level IV offense.
- Imposes a \$50 fee for DUI, vehicular homicide, and vehicular assault convictions to fund grants to organizations that operate programs that reduce driving under the influence of alcohol or drugs.

**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 while under the influence of intoxicating liquor or any drug if the person drives or has physical control of a vehicle 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, with four prior DUI/PC convictions, is 22 to 29 months in prison.

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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.*

In addition to a period 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, 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.

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**Summary of Bill:**

A DUI/PC offense becomes punishable as a class C felony level offense if a person has three (instead of four) or more prior DUI/PC convictions within 10 years. A felony level DUI/PC offense is ranked as a seriousness level IV (instead of a V) felony offense. The presumptive sentence range for a person convicted of a felony level DUI/PC offense, with three prior DUI/PC convictions, is 13 to 17 months in prison.

In addition to any other penalties, a \$50 fee must be assessed to any person 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.

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**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:**

See Committee Records from 2015 Legislative Session.

**Persons Testifying:** See Committee Records from 2015 Legislative Session.

**Persons Signed In To Testify But Not Testifying:** See Committee Records from 2015 Legislative Session.