

# SENATE BILL REPORT

## HB 2280

---

---

As of February 25, 2016

**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:** Passed House: 2/15/16, 97-0.

**Committee Activity:** Law & Justice: 2/24/16.

---

### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Lindsay Erickson (786-7465)

**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 class C felony, ranked at level V on the sentencing grid, if a person has four or more prior offenses within 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.

---

*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.*

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: Under this bill, if you are convicted of your fifth DUI within ten years, you are guilty of a Class B felony instead of a Class C felony. These people obviously have problems and this bill makes our streets and highways safer. The fiscal note is indeterminate because a change in felony class does not determine your length of time. If you want incarceration time to be impacted, you need to change the seriousness level of the crime.

**Persons Testifying:** PRO: Representative Klippert, prime sponsor; Tom McBride, WA Assoc. of Prosecuting Attorneys.

**Persons Signed In To Testify But Not Testifying:** No one.