

SENATE BILL REPORT

SB 6198

As of February 3, 2016

Title: An act relating to requiring fingerprints for all driving under the influence arrests.

Brief Description: Requiring fingerprints for all driving under the influence arrests.

Sponsors: Senators Padden, Pearson, Miloscia and Benton.

Brief History:

Committee Activity: Law & Justice: 1/12/16.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Aldo Melchiori (786-7439)

Background: A driving under the influence (DUI) offense or being in physical control of a motor vehicle while under the influence (PC) offense is punishable as a gross misdemeanor if the person has fewer than four prior DUI or PC offenses within seven years. 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.

Prior offenses include convictions for: (1) DUI or PC; (2) vehicular homicide and vehicular assault if either was committed while under the influence; (3) negligent driving after having consumed alcohol (Wet Neg) and reckless endangerment if the original charge was DUI, PC, vehicular homicide, or vehicular assault; and (4) an equivalent local DUI or PC ordinance or out-of-state DUI law. In addition, a deferred prosecution for DUI or Wet Neg is a prior offense even if the charges are dropped after successful completion of the deferred prosecution program.

Photographing and Fingerprinting

Every sheriff or director of public safety of every county, the chief of police of every city or town, and every chief officer of other law enforcement agencies operating within this state has the right, but not the duty, to photograph and record the fingerprints of all adults arrested.

For felony or gross misdemeanor offenses, the sheriff or director of public safety of every county, the chief of police of every city or town, and of every chief officer of other law

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.

enforcement agencies operating within this state, must photograph and fingerprint all adults and juveniles, except:

- when juveniles are brought directly to a juvenile detention facility, the juvenile court administrator is authorized, but not required, to photograph and fingerprint them, and
- an exception may be made if the arrest is for a gross misdemeanor and the person is not taken into custody.

Summary of Bill: A law enforcement agency must require every adult or juvenile to be photographed and fingerprinted when the person is arrested for:

- DUI or PC;
- vehicular homicide and vehicular assault if either was committed while under the influence;
- negligent driving after having consumed alcohol, and reckless endangerment, if the original charge was DUI, PC, vehicular homicide, or vehicular assault; or
- an equivalent local DUI or PC ordinance.

This is required in all identified felony or gross misdemeanor cases whether or not the arrested person is taken into custody.

Appropriation: None.

Fiscal Note: Requested on January 8, 2016.

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: The 2015 performance report done by the State Auditor's Office found that one-third of criminal history dispositions were missing from the Washington State Identification System. Of those, 90 percent were for gross misdemeanors, such as driving under the influence. There are two primary reasons for the incomplete information: (1) fingerprints are not taken at the time of arrest, and (2) process control numbers are not included when dispositions are entered into the system. If fingerprints are not taken, a process control number is not created and the arrest information is not sent to the Washington State Identification System. The State Auditor's report recommended a change in state law to require all persons arrested for gross misdemeanors to be fingerprinted.

OTHER: Resources available in the field are limited, especially in remote locations. The technology to obtain a full set of fingerprints of the required quality is expensive, about \$15,000 to \$20,000 per unit. A stakeholder group is working on addressing the issue of the availability of gross misdemeanor convictions.

Persons Testifying: PRO: Senator Padden, prime sponsor; Susan Hoffman, State Auditors Office.

OTHER: Mitch Barker, WASPC.

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