

# SENATE BILL REPORT

## SB 6236

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As of February 1, 2016

**Title:** An act relating to the 24/7 sobriety program.

**Brief Description:** Concerning the 24/7 sobriety program.

**Sponsors:** Senator Padden.

**Brief History:**

**Committee Activity:** Law & Justice: 1/19/16.

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### SENATE COMMITTEE ON LAW & JUSTICE

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

**Background:** The 24/7 Sobriety Program. The pilot 24/7 Sobriety Program (Program) was established in 2014 and is administered by the Washington Association of Sheriffs and Police Chiefs (WASPC). The Program is a 24-hour and seven-day per week sobriety program in which a participant submits to the testing of the participant's blood, breath, urine, or other bodily substances in order to determine the presence of alcohol, marijuana, or any controlled substance in the participant's body. Participants who violate the terms of the Program are subject to sanctions ranging from a written warning to serving the participant's entire remaining sentence.

**Summary of Bill:** The 24/7 Sobriety Program is permanent and is no longer a pilot program.

24/7 Sobriety Program Participation. Clarifies that when any person is charged with a violation of RCW 46.61.502 - DUI, 46.61.504 - Physical control, 46.61.520 - Vehicular homicide, or 46.61.522 - Vehicular assault, in which the person has a prior offense as defined in RCW 46.61.5055 and the current offense involves alcohol, is released from custody at arraignment or trial on bail or personal recognizance, the court authorizing the release may order compliance with the 24/7 Sobriety Program as a condition of release.

People with no prior offenses may participate in the 24/7 Sobriety Program, in lieu of the mandatory minimum term of imprisonment.

Ignition Interlock Devices. In any county or city where a 24/7 Sobriety Program is available and verified by the Washington Association of Sheriffs and Police Chiefs, the court may

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order the person to a period of 24/7 Sobriety Program monitoring in lieu of an ignition interlock device or may order the person to a period of 24/7 Sobriety Program monitoring in addition to installation of an ignition interlock device.

Violations. A participant who violates the terms of participation in the 24/7 Sobriety Program or does not pay the required fees or associated costs pretrial or post-trial must serve the following sanctions:

- first violation: receive written warning notice
- second violation: minimum 1 day in jail;
- third violation: minimum 3 days in jail;
- fourth violation: minimum 5 days in jail; and
- fifth or subsequent violation: minimum 7 days in jail.

Department of Licensing. If the person's blood-alcohol concentration was less than 0.15 or if there is no test - but not a refusal - where there has been no prior offense within seven years, the person's license privileges may remain intact so long as he or she is enrolled in or has completed the 24/7 Sobriety Program for 90 days.

If the person's blood-alcohol concentration was at least 0.15, where there has been no prior offense within seven years, the person's license privileges may remain intact so long as he or she is enrolled in or has completed the 24/7 Sobriety Program for 120 days.

If the person had a blood-alcohol concentration of 0.08 or more, or a THC concentration of blood that was 5.00 or more, and this is the person's first incident within seven years, the person's license privileges may remain intact so long as the person successfully completes or is enrolled in a pretrial 24/7 Sobriety Program.

**Appropriation:** None.

**Fiscal Note:** Available.

**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: This program offers a good alternative to deal with a first offense DUI. People who give "hot" portable breath test readings in this program are immediately incarcerated, and this has been effective. This program helps people to take responsibility for their actions and gives them opportunities to stay sober. This draft addresses a previous issue related to violations, which required lengthy jail sentences for people with a fifth violation. This draft gives more judicial discretion in that circumstance but still allows judges to impose greater sentences for people who need it.

OTHER: The concern is regarding federal funding. The bill as currently written may disqualify the state for some federal funding it has been receiving, because it allows for a participant to substitute an ignition interlock penalty for 24/program participation. To keep the federal funding, ignition interlock and license suspension would need to be applied to all individuals convicted of DUI.

**Persons Testifying:** PRO: Bruce Bjork, Retired WA State Patrol Deputy Chief; Commander Stacy Denham, Centralia Police Department; James McMahan, WA Assoc. of Sheriffs and Police Chiefs.

OTHER: Shelly Baldwin, WA Traffic Safety Commission.

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