
Public Safety Committee

SB 5037

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

Sponsors: Senators Padden, Frockt, O'Ban, Darneille, Miloscia, Kuderer, Zeiger, Carlyle, Pearson, Conway, Rolfes, Palumbo, Angel and Wellman.

Brief Summary of Bill

- Raises the classification of Driving Under the Influence (DUI) and Physical Control of a Vehicle While Under the Influence (PC) from a gross misdemeanor to felony upon the fourth, rather than fifth, offense.
- Reduces the seriousness level ranking for felony level DUI and PC offenses from a seriousness level V to a seriousness level IV.
- Imposes an additional \$50 fee for all DUI, PC, Vehicular Homicide, and Vehicular Assault convictions to fund grants for organizations that operate programs to reduce driving under the influence of alcohol or drugs.

Hearing Date: 3/20/17

Staff: Omeara Harrington (786-7136).

Background:

A person may be convicted of impaired driving under either the Driving Under the Influence (DUI) statute or the Physical Control of a Vehicle While Under the Influence (PC) statute. A person is guilty of DUI if he or she drives while under the influence of intoxicating liquor, marijuana, or any drug, and is guilty of PC if he or she has actual physical control of a vehicle while under the influence of intoxicating liquor, marijuana, or any drug.

A DUI or PC offense is punishable as a gross misdemeanor if the person has three or fewer prior impaired driving offenses within seven years. However, a DUI offense becomes a seriousness level V, class B felony offense, and a PC offense becomes a seriousness level V, class C felony offense, if a person has four or more prior impaired driving offenses within 10 years, or has

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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 B felony is 10 years in prison, a fine of \$20,000, or both imprisonment and a fine; and for a class C felony is five years in prison, a fine of \$10,000, or both imprisonment and a fine. The presumptive sentence range for a person convicted of a felony level DUI or PC offense, with four prior DUI or PC convictions, is 22 to 29 months in prison.

In addition to a period of incarceration, there are also mandatory fines and fees associated with a conviction for a DUI or PC offense. These fines and fees include, but are not limited to, court costs, criminal conviction fines, fees for funding the Washington State Toxicology Laboratory 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 offense becomes punishable as a class B felony, and a PC offense becomes punishable as a class C felony, if a person has three (instead of four) or more prior impaired driving convictions within 10 years. A felony level DUI or PC offense is ranked at a seriousness level IV (instead of a seriousness level V). The presumptive sentence range for a person convicted of a felony level DUI or PC offense, with three prior offense convictions, is 13 to 17 months in prison.

In addition to other existing 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 a DUI, PC, Vehicular Homicide, or Vehicular Assault offense. Revenue from the \$50 fee must be used to fund the Washington Traffic Safety Commission 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.