

FINAL BILL REPORT

SB 5037

PARTIAL VETO C 335 L 17 Synopsis as Enacted

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.

Senate Committee on Law & Justice
Senate Committee on Ways & Means
House Committee on Public Safety
House Committee on Appropriations

Background: In 2013, the Legislature created an Impaired Driving Workgroup that worked over the 2013 interim to develop ideas and strategies to address vehicle deaths and serious injuries resulted from impaired driving. One of the strategies reviewed and supported by the committee members was to lower the minimum number of previous impaired driving convictions that must be counted before constituting and being punishable as a felony offense.

Driving Under the Influence (DUI) or physical control of a motor vehicle while under the influence (PC) is punishable as a gross misdemeanor offense under current law, if the person has fewer than four prior DUI or PC offenses within seven years. A prior offense is within seven years if the arrest for a prior offense occurred within seven years before or after the arrest for the current offense.

A DUI or PC becomes a felony, ranked at Level V on the sentencing grid under current law if a person has four or more prior offenses within ten years. A prior offense is within ten years if the arrest for a prior offense occurred within ten years, before or after the arrest for the current offense.

Prior offenses include convictions for:

- DUI or PC;
- vehicular homicide and vehicular assault if either was committed while under the influence;
- negligent driving after having consumed alcohol (wet neg), and reckless endangerment, if the original charge was DUI, PC, vehicular homicide, or vehicular assault; and

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.

- an equivalent local DUI or PC ordinance or out-of-state DUI law.

In addition, a differed prosecution for DUI or wet neg is a prior offense even if the charges are dropped after successful completion of the deferred prosecution program.

Summary: A person may be charged with felony DUI or PC if the person's criminal record includes three or more prior offenses instead of four or more within ten years. A felony DUI is ranked at Level IV—instead of Level V—on the felony sentence grid, which means that a person with three prior DUI or PC offenses and no other criminal history would be subject to a standard sentencing range of 13 to 17 months incarceration.

Votes on Final Passage:

Senate	41	0
House	85	11

Effective: July 23, 2017

Partial Veto Summary: The vetoed section provided funding of grants to organizations within counties to combat DUI or alcohol or drugs through a \$50 increase in fees assessed on all persons convicted, sentenced to a lesser charge, or given a deferred prosecution as a result of a conviction for DUI, PC, vehicular homicide, or vehicular assault.