

SENATE BILL REPORT

SB 6250

As of January 23, 2018

Title: An act relating to removing the ten year reference in impaired driving provisions.

Brief Description: Removing the ten year reference in impaired driving provisions.

Sponsors: Senators Frockt and Padden.

Brief History:

Committee Activity: Law & Justice: 1/22/18.

Brief Summary of Bill

- Removes the ten-year look back period for a person with three or more driving under the influence (DUI) or being in physical control of a motor vehicle under the influence (PC) of intoxicating liquor or any drug offenses.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Melissa Van Gorkom (786-7491)

Background: Impaired Driving. A person can commit DUI or PC of intoxicating liquor or any drug offense if the person drives with a blood or breath alcohol concentration of 0.08 percent or higher, or is under the influence of or affected by liquor or any drug. A DUI or PC offense is punishable as a gross misdemeanor offense if the person has fewer than three prior DUI or PC offenses within seven years. It becomes a felony if a person has three or more prior offenses within ten 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. Similarly, 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;

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- 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, PCI, vehicular homicide, or vehicular assault; and
- 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.

Mandatory Arrest and Hold. A law enforcement officer must arrest a person without a warrant, and keep them in custody pending release on bail, personal recognizance, or a court order, when the officer has probable cause to believe that the person has committed a DUI or PC offense and the officer knows that the person has had at least one prior offense within the previous ten years or has knowledge that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense if it were a conviction. The requirement does not apply if the person requires immediate medical attention and is admitted to a hospital.

Summary of Bill: The ten-year look back period for a person with three or more prior DUI or PC offenses is removed, making it a felony offense for any person who has three or more prior DUI or PC offenses.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: It is a valid question as to whether or not prior offenses beyond ten years should be considered. While the state has made great progress in reducing alcohol related DUI, the drug and alcohol DUIs and marijuana DUIs are still increasing. Reducing the look back period would help to keep our highways and streets safer.

Persons Testifying: PRO: Senator David Frockt, Prime Sponsor; Senator Mike Padden.

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