
Public Safety Committee

E2SSB 5299

Brief Description: Concerning impaired driving.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Padden, Frockt, Kuderer and Wagoner).

Brief Summary of Engrossed Second Substitute Bill

- Increases the classification for an impaired driving offense from a gross misdemeanor to a felony when the person has three or more prior impaired driving offenses within 15 years, rather than within 10 years.
- Requires the Washington Association of Sheriffs and Police Chiefs to review and report to the Governor and the Legislature on the current laws and regulations regarding the sentencing structure for impaired driving offenses.

Hearing Date: 2/24/20

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 Actual 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 generally a gross misdemeanor. However, a DUI or PC offense becomes a felony offense if the defendant has three or more prior impaired driving offenses within the previous 10 years, or has previously been convicted of felony DUI or PC, or of Vehicular Homicide or Vehicular Assault while under the influence of intoxicating liquor or any drug. Prior impaired driving offenses include convictions of DUI, PC, Vehicular Homicide, and Vehicular Assault, as well as other impaired driving-related offenses and offenses involving

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impaired operation of commercial vehicles, vessels, aircraft, snowmobiles, and nonhighway vehicles.

Felony DUI is classified as a class B felony. Felony PC is classified as a class C felony. 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 standard range sentence for a DUI or PC offense for a person with three prior impaired driving offenses is 13 to 17 months of incarceration, followed by one year of community custody.

Summary of Bill:

Three or more prior impaired driving offenses within 15 years, rather than 10 years, elevates the classification of a DUI or PC offense from a gross misdemeanor to a felony.

When funded, the Washington Association of Sheriffs and Police Chiefs must review current laws and regulations regarding the sentencing structure for impaired driving offenses in an effort to reduce fatalities from individuals driving under the influence. The review must include an examination of lookback periods, number of previous offenses, and other possible recommendations to reduce fatalities. The Washington Association of Sheriffs and Police Chiefs must provide its recommendations to the Governor and the appropriate committees of the Legislature by December 1, 2020.

Appropriation: None.

Fiscal Note: Requested on February 21, 2020.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.