

SENATE BILL REPORT

SB 5054

As of January 19, 2021

Title: An act relating to impaired driving.

Brief Description: Concerning impaired driving.

Sponsors: Senators Padden, Frockt, Conway, McCune and Short.

Brief History:

Committee Activity: Law & Justice: 1/21/21.

Brief Summary of Bill

- Changes the period for reviewing prior convictions of impaired driving from a 10 year period to a 15 year period for the purpose of determining whether the current offense of impaired driving is a felony.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Tim Ford (786-7423)

Background: Impaired Driving. A person commits the crime of driving while under the influence (DUI) of intoxicating liquor, marijuana, or any drug if the person drives a motor vehicle:

- with a blood or breath alcohol concentration of 0.08 percent or higher;
- with a THC concentration of five or higher in their blood; or
- under the influence or a combined influence of intoxicating liquor, marijuana, and any drug.

The same factors apply for the crime of being in physical control (PC) of a motor vehicle while under the influence of intoxicating liquor, marijuana, or any drug if the person has actual physical control of a vehicle.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

A DUI or PC criminal offense is punishable as a gross misdemeanor if the person has fewer than three prior DUI or PC convictions within seven years. It becomes a class B felony for a DUI offense, and a class C felony for a PC offense if a person has three or more prior convictions within ten years.

Prior offenses include convictions for:

- DUI or PC;
- vehicular homicide and vehicular assault if either was committed while under the influence; and
- an equivalent local DUI or PC ordinance or out-of-state DUI law.

Summary of Bill: The 10 year look back period for a person with three or more prior DUI or PC offenses is changed to a 15 year look-back, increasing the penalty from a gross misdemeanor to a felony offense for any person who has three or more prior DUI or PC offenses within that time.

Appropriation: None.

Fiscal Note: Requested on January 18, 2021.

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

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