

NOT CONSIDERED 03/07/2024

1 Beginning on page 1, line 3, strike all of sections 1 through 3

2 Renumber the remaining sections consecutively and correct any  
3 internal references accordingly.

4 On page 5, line 31, after "than" strike "0.15" and insert  
5 "~~((0.15))~~ 0.10"

6 On page 5, line 32, after "than" strike "0.15" and insert  
7 "~~((0.15))~~ 0.10"

8 On page 6, line 16, after "indigent;" strike "or" and insert  
9 "~~((or))~~"

10 On page 6, line 17, after "(b)" insert "**Penalty for alcohol**  
11 **concentration at least 0.10.** In the case of a person whose alcohol  
12 concentration was at least 0.10:

13 (i) By imprisonment for not less than 48 consecutive hours nor  
14 more than 364 days. In lieu of the mandatory minimum term of  
15 imprisonment required under this subsection (1)(b)(i), the court, in  
16 its discretion, may order not less than 30 days of electronic home  
17 monitoring or 120-day period of 24/7 sobriety program monitoring. The  
18 court may consider the offender's pretrial 24/7 sobriety program  
19 testing as fulfilling a portion of posttrial sentencing. The offender  
20 shall pay the cost of electronic home monitoring. The county or  
21 municipality in which the penalty is being imposed shall determine  
22 the cost. The court may also require the offender's electronic home  
23 monitoring device to include an alcohol detection breathalyzer or  
24 other separate alcohol monitoring device, and the court may restrict  
25 the amount of alcohol the offender may consume during the time the  
26 offender is on electronic home monitoring; and

27 (ii) By a fine of not less than \$500 nor more than \$5,000. \$500  
28 of the fine may not be suspended unless the court finds the offender  
29 to be indigent; or

1        (c)"

2        Correct any internal references accordingly.

3        On page 6, line 17, after "**least**" strike "**0.15**" and insert  
4        "~~((0.15))~~ 0.12"

5        On page 6, line 18, after "least" strike "0.15" and insert  
6        "~~((0.15))~~ 0.12"

7        On page 6, line 38, after "~~dollars))~~" strike "\$500" and insert  
8        "\$1,245"

9        On page 7, line 7, after "**than**" strike "**0.15**" and insert  
10       "~~((0.15))~~ 0.10"

11       On page 7, line 8, after "than" strike "0.15" and insert  
12       "~~((0.15))~~ 0.10"

13       On page 8, line 4, after "indigent;" strike "or" and insert  
14       "~~((or))~~"

15       On page 8, line 5, after "(b)" insert "**Penalty for alcohol**  
16       **concentration at least 0.10.** In the case of a person whose alcohol  
17       concentration was at least 0.10:

18       (i) By imprisonment for not less than 40 days nor more than 364  
19       days. In lieu of the mandatory minimum term of imprisonment required  
20       under this subsection (2)(b)(i), the court, in its discretion, may  
21       order not less than 40 days of electronic home monitoring or 120-day  
22       period of 24/7 sobriety program monitoring. The court may consider  
23       the offender's pretrial 24/7 sobriety program testing as fulfilling a  
24       portion of posttrial sentencing. The offender shall pay the cost of  
25       electronic home monitoring. The county or municipality in which the  
26       penalty is being imposed shall determine the cost. The court may also  
27       require the offender's electronic home monitoring device to include  
28       an alcohol detection breathalyzer or other separate alcohol  
29       monitoring device, and the court may restrict the amount of alcohol  
30       the offender may consume during the time the offender is on  
31       electronic home monitoring; and

32       (ii) By a fine of not less than \$600 nor more than \$5,000. \$500  
33       of the fine may not be suspended unless the court finds the offender  
34       to be indigent; or

1 (c)"

2 Correct any internal references accordingly.

3 On page 8, line 5, after "**least**" strike "**0.15**" and insert  
4 "~~((0.15))~~ 0.12"

5 On page 8, line 6, after "least" strike "0.15" and insert  
6 "~~((0.15))~~ 0.12"

7 On page 9, line 7, after "**than**" strike "**0.15**" and insert  
8 "~~((0.15))~~ 0.10"

9 On page 9, line 8, after "than" strike "0.15" and insert  
10 "~~((0.15))~~ 0.10"

11 On page 10, line 4, after "indigent;" strike "or" and insert  
12 "~~((or))~~"

13 On page 10, line 5, after "**least**" strike "**0.15**" and insert  
14 "~~((0.15))~~ 0.10"

15 On page 10 line 6, after "least" strike "0.15" and insert  
16 "~~((0.15))~~ 0.10"

17 On page 10, line 10, after "~~twenty))~~" strike "120" and insert  
18 "105"

19 On page 10, line 22, after "~~twenty))~~" strike "120" and insert  
20 "105"

21 On page 10, at the beginning of line 40, after "~~dollars))~~" strike  
22 "\$1,500" and insert "\$1,250"

23 On page 11, line 1, after "five" strike "hundred))" \$1,500  
24 dollars" and insert "~~hundred-dollars))~~ \$1,000"

25 On page 11, line 2, after "indigent" insert "; or

26 (c) **Penalty for alcohol concentration at least 0.12.** In the case  
27 of a person whose alcohol concentration was at least 0.12, or for  
28 whom by reason of the person's refusal to take a test offered  
29 pursuant to RCW 46.20.308 there is no test result indicating the  
30 person's alcohol concentration:

1 (i) By imprisonment for not less than 120 days nor more than 364  
2 days, if available in that county or city, a six-month period of 24/7  
3 sobriety program monitoring pursuant to RCW 36.28A.300 through  
4 36.28A.390, and 150 days of electronic home monitoring. 120 days of  
5 imprisonment and 150 days of electronic home monitoring may not be  
6 suspended or converted unless the court finds that the imposition of  
7 this mandatory minimum sentence would impose a substantial risk to  
8 the offender's physical or mental well-being. If the offender shows  
9 that the imposition of this mandatory minimum sentence would impose a  
10 substantial risk to the offender's physical or mental well-being, in  
11 lieu of the mandatory minimum term of 120 days of imprisonment and  
12 150 days of electronic home monitoring, the court may order 360 days  
13 of electronic home monitoring or 360-day period of 24/7 sobriety  
14 monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever  
15 the mandatory minimum sentence is suspended or converted, the court  
16 shall state in writing the reason for granting the suspension or  
17 conversion and the facts upon which the suspension or conversion is  
18 based. The offender shall pay the cost of the electronic monitoring.  
19 The court shall order an expanded substance use disorder assessment  
20 and treatment, if deemed appropriate by the assessment. The county or  
21 municipality where the penalty is being imposed shall determine the  
22 cost. The court may also require the offender's electronic home  
23 monitoring device include an alcohol detection breathalyzer or other  
24 separate alcohol monitoring device, and may restrict the amount of  
25 alcohol the offender may consume during the time the offender is on  
26 electronic home monitoring; and

27 (ii) By a fine of not less than \$1,500 nor more than \$5,000.  
28 \$1,500 of the fine may not be suspended unless the court finds the  
29 offender to be indigent"

30 Beginning on page 19, line 24, strike all of sections 5 through  
31 10

32 Renumber the remaining sections consecutively and correct any  
33 internal references accordingly.

**2SSB 5002 - S AMD TO S AMD (S-4427.2/24) 619**  
By Senator Fortunato

**NOT CONSIDERED 03/07/2024**

1        On page 38, beginning on line 6, after "RCW" strike all material  
2 through "79A.60.040" on line 8 and insert "46.61.5055"

3        On page 38, line 10, after "RCW;" strike "creating a new  
4 section;"

EFFECT: (1) Removes the intent section with findings supporting a  
0.05 alcohol concentration.

(2) Retains the legal limit of 0.08 alcohol concentration.

(3) Changes the penalty schedule for violations of alcohol  
concentration:

(a) Adds 0.10 as a penalty threshold; and

(b) Reduces the 0.15 penalty threshold to 0.12.

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