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**Public Safety Committee**

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**SB 6415**

**Brief Description:** Concerning consecutive sentences for driving under the influence or physical control of a vehicle under the influence of intoxicating liquor, marijuana, or any drug.

**Sponsors:** Senators Fain, Angel, Tom, Dammeier, Hill, Becker, Eide, Hobbs, King, Brown, Bailey, Litzow, Schoesler, Braun and Rolfes.

**Brief Summary of Bill**

- Requires that any sentence for a felony Driving Under the Influence or being in Physical Control of a motor vehicle under the influence of intoxicating liquor or any drug offense be served consecutively to any sentence imposed for Circumventing an Ignition Interlock Device (IID) or Operating a Motor Vehicle without a required IID.

**Hearing Date:** 2/21/14

**Staff:** Yvonne Walker (786-7841).

**Background:**

The sentencing court has discretion when sentencing offenders in misdemeanor and gross misdemeanor cases. Generally, sentences for multiple felony offenses set at one sentencing hearing are served concurrently unless there are two or more separate serious violent offenses or weapon offenses. In those cases, the sentences are served consecutively, unless an exceptional sentence is entered. The exceptions to this general rule are as follows:

1. If the court enters a finding that some or all of the current offenses required the same criminal intent, were committed at the same time and place, and involved the same victim, the offenses are treated as one offense.
2. In the case of two or more serious violent offenses arising from separate and distinct criminal conduct, the sentences for these serious violent offenses are served consecutively to each other and concurrently with any other sentences imposed for current offenses.

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*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.*

3. In the case of an offender convicted of Unlawful Possession of a Firearm in the first or second degree and for one or both of the crimes of Theft of a Firearm or Possession of a Stolen Firearm, the sentences for these crimes are served consecutively for each conviction of the felony.
4. In the case of an offender receiving a deadly weapon enhancement, the deadly weapon enhancement portion of the standard range is served consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements.
5. Whenever a current offense is committed while the offender is under sentence for a previous felony and the offender was also sentenced for another term of imprisonment, the latter term may not begin until expiration of all prior terms. Whenever a person is sentenced under a felony that was committed while the person was not under sentence for a felony, the sentence runs concurrently with felony sentences previously imposed by any court unless the court pronouncing the subsequent sentence expressly orders that they be served consecutively.

Ignition Interlock. In addition to serving mandatory incarceration, an offender convicted of a Driving Under the Influence (DUI) offense or being in Physical Control of a motor vehicle under the influence of intoxicating liquor or any drug is often subject to many other sanctions. These include: fines, loss of driving privileges, alcohol assessments, probation, community custody, and the mandatory use of an ignition interlock device (IID) on any vehicle the offender drives. If a person is restricted to driving only with an IID, it is a gross misdemeanor offense for that person to drive without a required functioning IID installed or to tamper or circumvent the device.

**Summary of Bill:**

Sentences for a felony DUI or PC offense must be served consecutively with any sentences imposed for Circumventing an IID or Operating a Motor Vehicle without a required IID. Sentences for Circumventing an IID or Operating a Motor Vehicle without a required IID are also served consecutively.

**Appropriation:** None.

**Fiscal Note:** Available.

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