

FINAL BILL REPORT

2SHB 3070

PARTIAL VETO

C 207 L 98

Synopsis as Enacted

Brief Description: Increasing penalties for drunk driving.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives McCune and Mulliken).

House Committee on Law & Justice
House Committee on Appropriations
Senate Committee on Law & Justice
Senate Committee on Ways & Means

Background: The driving under the influence (DUI) law has a variety of criminal and civil penalty provisions. These penalties escalate on the basis of repeat offenses and on the basis of the offender's blood or breath alcohol concentration (BAC). For purposes of counting "prior" DUIs, there is a five-year washout period: An offense stays on an offender's criminal history as a "prior" offense for only five years. "Prior" offenses for purposes of these escalating penalties include: DUI; DUI-related vehicular homicide or assault; and negligent driving, if the conviction is the result of a charge originally filed as a DUI or vehicular homicide or assault. "Prior offenses" also include deferred prosecutions on DUI or DUI-related charges.

The implied consent law, the DUI vehicle forfeiture law, the occupational license law, and the deferred prosecution law also have provisions based on a five-year washout period for counting prior offenses. Under the Sentencing Reform Act (SRA), serious traffic offenses such as DUI have a five year washout.

The Department of Licensing (DOL) is required to keep DUI records for at least 10 years.

A variety of factors, including local judicial, prosecutorial and police practices, may affect the timing of various events following an arrest for DUI. An arrested person may be released or may be taken directly to jail. Charging and arraignment may occur within a day of arrest, or may not occur for weeks following arrest. Because of these variances, a first appearance in court by a DUI defendant may occur within hours of arrest or much later. At a pre-trial appearance, the court may impose conditions on the release of the defendant pending trial. These conditions may restrict the activities and movements of the defendant. Some district court judges have expressed concern that delays in the first court appearance may result in potentially

dangerous persons, such as those with extensive histories of DUI, continuing to drive pending trial.

A provision outside of the DUI law makes it illegal for a minor to drive with an alcohol concentration (BAC) of 0.02 "or more." The standard for DUI currently is 0.10.

Summary: All of the DUI-related, five-year washout periods are changed to seven-year periods, except for the periods applicable to deferred prosecutions, and to serious traffic offenses under the SRA. The DOL is required to keep deferred prosecution records permanently and other DUI-related records for 15 years.

Persons cited for DUI at the time of arrest must appear in court within one day for a determination of possible conditions on pre-trial release. Persons arrested for DUI who are cited at a later date must appear in court within 14 days of the citation.

The "minor 0.02" law is clarified to apply only to minors with BACs below the DUI level.

This act is null and void unless funded in the budget.

Votes on Final Passage:

House 96 0
Senate 46 0 (Senate amended)
House 95 0 (House concurred)

Effective: January 1, 1999

Partial Veto Summary: The Governor vetoed a provision, similar to a technically more complete version in E2SSB 6293, that requires offenders to appear in court within specified times after arrest. The Governor also vetoed a provision that restates the existing authority for local governments to submit claims to the state for reimbursement for the costs of implementing new programs.