

Judiciary Committee

SSB 5558

Title: *An act relating to penalties for alcohol violators.*

Brief Description: *Clarifying penalty procedures for alcohol violators.*

Sponsors: *By Senate Committee on Judiciary (originally sponsored by Senators Rossi, Kline, Finkbeiner, Roach, Morton, Oke, Johnson, Long, Swecker, Stevens and Sheahan).*

Brief Summary of Substitute Bill

- *Prohibits courts from suspending the sentencing requirement that certain drunk driving offenders may drive only vehicles equipped with an ignition interlock.*
- *Explicitly states that those penalties for drunk driving that are dependent on a driver's level of alcohol concentration apply if the concentration existed within two hours after the offense was committed.*

Hearing Date: *3/23/01*

Staff: *Bill Perry (786-7123).*

Background:

One of the ways a person commits the offense of drunk driving (DUI) is by driving with a certain level of alcohol in his or her blood or breath. Committing DUI this way is known as a "per se" violation. The level of blood or breath alcohol concentration (BAC) that triggers a per se DUI violation for drivers age 21 and over is 0.08 grams of alcohol per specified volumes of a person's breath or blood. For younger drivers, the per se BAC limit is 0.02.

A per se DUI offense is actually committed when a person has the required BAC "within two hours after driving." This means that a BAC test may be given up to two hours after an alleged DUI offense. The defendant may negate the test, however, by demonstrating that he or she consumed enough alcohol after driving to account for the BAC result.

Penalties for DUI escalate with repeat offenses. Penalties are also more severe for an offender, regardless of the number of prior offenses, if his or her BAC is 0.15 or higher. One of the penalties that applies to DUI offenders (other than first-time offenders with a BAC below 0.15) is a requirement that the offender drive only a vehicle equipped with an ignition interlock device. Such a device prevents a vehicle from being driven by a person who has alcohol in his or her system.

Summary of Bill:

Courts are prohibited from suspending the imposition of the required use of an ignition interlock in a DUI sentence.

Language reciting the permissible two-hour period for BAC testing following an alleged DUI offense is inserted in the penalty provisions that apply to the crime.

Appropriation: None.

Fiscal Note: Not Requested.

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