

SENATE BILL REPORT

SB 5354

As Reported By Senate Committee On:
Law & Justice, February 20, 1995

Title: An act relating to increasing penalties for alcohol or drug-impaired operators of motor vehicles with minor passengers.

Brief Description: Changing penalties for persons convicted of driving a motor vehicle while chemically impaired if there were passengers under the age of fourteen.

Sponsors: Senators McAuliffe, Long, Sheldon, Smith, Quigley, Drew, Haugen, Snyder, Gaspard, Rasmussen, Bauer, Winsley and Oke.

Brief History:

Committee Activity: Law & Justice: 1/30/95, 2/20/95 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5354 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

Staff: Cynthia Runger (786-7717)

Background: The crimes of driving while intoxicated (DWI) and being in physical control of a vehicle while intoxicated are gross misdemeanors with a maximum penalty of one year in jail and a \$5,000 fine. Penalties increase depending on the BAC level and number of convictions. In addition to mandatory minimum penalties, other conditions may apply, i.e., alcohol treatment, drug treatment, and supervised probation. The minimum penalties are set forth below.

BAC Between .10 and .15. A person convicted of driving or being in physical control of a vehicle while under the influence of alcohol or drugs because of an alcohol concentration between .10 and .15 receives the following mandatory minimum penalties: 1) one day in jail; 2) a \$350 fine; and 3) 90 days driver's license suspension.

BAC Between .10 and .15 with Probationary License. When a person's driver's license is in a probationary status and he or she is convicted under the same circumstances as above, the following mandatory minimum penalties apply: 1) seven days in jail; 2) a \$500 fine; and 3) one year driver's license suspension.

BAC .15 or Greater. When the alcohol concentration is .15 or greater, or the person operated a vehicle under the influence and refused to submit a blood or alcohol test, the following mandatory minimum penalties apply: 1) two days in jail; 2) a \$500 fine; 3) 120 days driver's license suspension; and 4) five years driver's license probation.

BAC .15 or Greater with Probationary License. When a person's driver's license is in a probationary status and he or she is convicted under the same circumstances as above, the following mandatory minimum penalties apply: 1) 10 days in jail; 2) a \$750 fine; and 3) 450 days driver's license revocation.

Subsequent Conviction Within Five Years. If, within five years, a person with a suspended or revoked license receives a subsequent conviction of driving or being under the influence of alcohol while operating a vehicle, the following mandatory minimum penalties apply: 1) 90 days in jail; 2) a \$750 fine; and 3) two years driver's license revocation.

Summary of Substitute Bill: Penalties are enhanced when the offenses of driving or being in physical control of a vehicle while under the influence of alcohol or drugs include having a child under the age of 18 in the vehicle.

Mandatory penalties for a first offense are four days in jail and a \$300 fine. A second offense mandates eight days in jail and a \$600 fine. The penalty for a third or subsequent offense is 20 days in jail and a \$2,000 fine.

All fees are distributed to the local governing body and the jail where the offender is to be sentenced.

Substitute Bill Compared to Original Bill: The age of minority is raised from under 14 to under 18.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill will protect innocent minor passengers in vehicles with drunk drivers.

Testimony Against: None.

Testified: William Hawkins, WAPA (pro); Diane Hall, CDPWS (con); Steve Lind, WJSC (pro); Gene Andres, MADD (pro); Jim Bostad, MADD (pro); Linda Grant, AAP (pro); Mike Patrick, WSCPO (pro).