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**Judiciary Committee**

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**HB 1619**

**Title:** An act relating to driving while under the influence with children in the vehicle.

**Brief Description:** Increasing penalties for driving while under the influence with children in the vehicle.

**Sponsors:** Representatives Lovick, Delvin, Kirby, Dickerson, Ahern, Nixon, Wallace, Romero, Haigh, Sullivan, Pettigrew, Chase, O'Brien, Lantz, Quall, Miloscia, Berkey, Dunshee, Blake, Hudgins, Cooper, Moeller, Morrell, Schual-Berke, Edwards, Simpson, Bush, Eickmeyer, Murray, Kessler, Conway, Darneille, Kenney, Upthegrove and Rockefeller.

**Brief Summary of Bill**

- Adds 60 days to the mandatory minimum period of incarceration and electronic home monitoring for a person convicted of drunk driving if he or she was carrying a passenger under the age of 16 at the time of the offense.

**Hearing Date:** 2/14/03

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

**Background:**

The state's drunk driving law has an escalating system of penalties for persons convicted of driving while under the influence (DUI). Among those penalties are mandatory minimum periods of incarceration and electronic home monitoring. The lengths of these periods increase with the number of prior convictions a driver has, and with the blood or breath alcohol concentration (BAC) of the driver. The penalties range as follows:

First Offense:

- BAC under 0.15 - one day in jail or 15 days of electronic monitoring.
- BAC of 0.15 or more - two days in jail or 30 days of electronic monitoring.

Second Offense:

- BAC under 0.15 - 30 days in jail and 60 days of electronic monitoring.
- BAC of 0.15 or more - 45 days in jail and 90 days of electronic monitoring.

Third or Subsequent Offense:

- BAC under 0.15 - 90 days in jail and 120 days of electronic monitoring.
- BAC of 0.15 or more - 120 days in jail and 150 days of electronic monitoring.

In deciding whether to sentence a person beyond these minimums, the court is directed to consider whether the driver caused any injury or damage, and whether there were passengers in his or her car.

**Summary of Bill:**

If a person commits DUI while there is a passenger under the age of 16 in the vehicle, 60 days are added to the minimum periods of incarceration and electronic home monitoring for the offense.

**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

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