

# SENATE BILL REPORT

## SB 5744

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As Passed Senate, February 11, 2004

**Title:** An act relating to alcohol-related offenses.

**Brief Description:** Revising rules for required ignition interlocks.

**Sponsors:** Senators Esser, Kline and Roach.

**Brief History:**

**Committee Activity:** Judiciary: 2/26/03, 2/28/03 [DP].

Passed Senate: 2/11/04, 49-0.

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

**Staff:** Lidia Mori (786-7755)

**Background:** Current law gives discretion to courts to order a person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle to drive only a motor vehicle that is equipped with an ignition interlock or other biological or technical device. Courts are required to order this restriction for a first driving under the influence of alcohol or drugs (DUI) conviction or alcohol-related deferred prosecution involving a blood alcohol concentration of at least .15 or if a person refused to take a breathalyzer test. The court is also required to impose the ignition interlock restriction for a second or subsequent DUI conviction or when it is a person's first DUI conviction but he or she has had a previous alcohol-related deferred prosecution or it is a deferred prosecution and the person has had a previous DUI conviction.

When a court grants a petition for a deferred prosecution, it is required to condition it on the installation of an ignition interlock device for petitioners who have previously been convicted of DUI or have been charged with such an offense and had an alcohol concentration of at least .15 or refused to take the breathalyzer test. For any other deferred prosecution petitioners, the court may order installation of an ignition interlock device.

**Summary of Bill:** The court must order the installation of an ignition interlock device as a condition to granting any alcohol-related deferred prosecution petition. The ignition interlock device must be installed for a period of two years, but the court may consider suspending the requirement on the petitioner's verification of installation and one year of regular use. If the petitioner has had a prior interlock restriction, then the court is required to condition the granting of any deferred prosecution on installation of an interlock device for a minimum of five years. The restriction may be suspended by the court upon petitioner's showing of installation and regular use for three years.

The court may order any person originally charged with or convicted of any offense involving the use, consumption, or possession of alcohol to drive only a motor vehicle equipped with an ignition interlock device.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Too often, the BAC gets quashed in DUI cases and then the ignition interlock requirement doesn't come into play. The public is entitled to the greater safety offered by use of ignition interlock devices. This bill would close some existing loopholes.

**Testimony Against:** None.

**Testified:** Pete Youngers, MADD; Karen Minihan; Peter Teets, DOL; Kris Wilder, Best Interlock; Ron Whistler, Best Interlock; Cindy and Dale Ensley, Autosense Interlock.