

FINAL BILL REPORT

SB 6413

C 100 L 14

Synopsis as Enacted

Brief Description: Clarifying prior offenses for driving under the influence or physical control of a vehicle under the influence.

Sponsors: Senators Fain, Eide, Padden, Pearson, Hobbs, Angel, King, Becker, Tom, Sheldon, Dammeier, Honeyford, Hill, O'Ban, Litzow, Brown, Schoesler and Rolfes.

Senate Committee on Law & Justice
Senate Committee on Ways & Means
House Committee on Public Safety

Background: A person can commit driving under the influence (DUI) or being in physical control of a motor vehicle under the influence (PC) of intoxicating liquor or any drug if the person drives with a blood or breath alcohol concentration of 0.08 percent or higher, or is under the influence of or affected by liquor or any drug. A DUI or PC offense is punishable as a gross misdemeanor offense with progressively serious penalties depending upon whether the person has a criminal history that includes prior offenses within seven years. It becomes a class C felony, ranked at level V on the sentencing grid, if a person has four or more prior offenses within ten years.

For charging purposes, a prior offense includes the following:

- a conviction for DUI or PC;
- vehicular homicide committed while under the influence of intoxicating liquor or any drug, or committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation committed while under the influence of intoxicating liquor or any drug;
- a conviction for vehicular assault committed while under the influence of intoxicating liquor or any drug, or committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation committed while under the influence of intoxicating liquor or any drug;
- a conviction for negligent driving in the first degree, reckless driving, or reckless endangerment, if the conviction is the result of a charge that was originally filed as a violation of DUI, PC, vehicular homicide, or vehicular assault;
- an out-of-state conviction for an equivalent offense;
- a deferred prosecution granted in a prosecution for a violation of DUI or PC;

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- a deferred prosecution granted in a prosecution for negligent driving, if the charge under which the deferred prosecution was granted was originally filed as a violation of DUI, PC, vehicular homicide, or vehicular assault;
- a deferred prosecution granted in another state for DUI or PC if the out-of-state deferred prosecution is equivalent to the deferred prosecution in Washington, including a requirement that the defendant participate in a chemical dependency treatment program; or
- a deferred sentence imposed in a prosecution for negligent driving in the first degree, reckless driving, or reckless endangerment, if the charge under which the deferred sentence was imposed was originally filed as a DUI, PC, vehicular homicide, or vehicular assault offense.

Summary: Five new offenses are added to the list of those that count as prior offenses when a person is charged with a DUI or PC offense. The additional offenses are the following:

- a conviction for driving or being in physical control of a commercial motor vehicle with alcohol in the offender's system;
- a conviction for operation of a vessel under the influence of alcohol or any drug;
- a conviction for operation of an aircraft under the influence of alcohol or any drug;
- a conviction for operation of a non-highway vehicle in a manner likely to endanger the property of another; and
- a conviction for operation of a snowmobile under the influence of alcohol or any drug.

When a person is arrested and taken into custody for a DUI offense and the officer has knowledge that the person has had a prior DUI conviction, that the person can only be released from custody by a judge.

In localities where 24/7 monitoring is available and verified by the Washington Association of Sheriffs and Police Chiefs, the court must sentence a person to either (1) the use of an ignition interlock device as a substitution to participating in 24/7 monitoring; (2) 24/7 monitoring as mandated in current statute; or (3) both ignition interlock requirements and 24/7 monitoring.

Votes on Final Passage:

Senate	48	0	
House	96	1	(House amended)
Senate	49	0	(Senate concurred)

Effective: June 12, 2014