

HOUSE BILL REPORT

SB 6295

*As Passed House
March 4, 1992*

Title: An act relating to penalties for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs.

Brief Description: Enabling a court to sentence a person convicted of driving under the influence to attend a panel of victims of similar crimes.

Sponsor(s): Senators Erwin, A. Smith, M. Kreidler, Newhouse, Nelson, Rasmussen, McCaslin and von Reichbauer.

Brief History:

Reported by House Committee on:
Judiciary, February 21, 1992, DP;
Passed House, March 4, 1992, 95-0.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *Do pass.* Signed by 13 members:
Representatives Appelwick, Chair; Ludwig, Vice Chair;
Padden, Ranking Minority Member; Paris, Assistant Ranking
Minority Member; Belcher; Broback; Forner; H. Myers; Riley;
Scott; D. Sommers; Tate; and Vance.

Staff: Bill Perry (786-7123).

Background: A variety of express statutory penalties and obligations attach to a driving while under the influence of intoxicating liquor or drugs (DWI) conviction. In addition, some judges have used other devices, such as victims' panels, as punishment or rehabilitation for persons convicted of drunk driving.

Persons convicted of DWI are subject to monetary penalties, driver's license suspension, and mandatory jail time. A first conviction results in a mandatory one day in jail, a minimum fine of \$250, and a license suspension of 90 days. A second conviction within five years results in a mandatory seven days in jail, a minimum fine of \$500, and a license revocation for one year. Upon a third or subsequent conviction within five years the fine and imprisonment

penalties remain the same as for a second conviction, but the driver's license is revoked for two years.

In addition, a driver who is convicted of DWI must attend an alcohol information course, must undergo a diagnostic evaluation for alcoholism, and may be required to enter a treatment program.

A person charged with DWI may petition for a deferred prosecution on the grounds that alcoholism or drug addiction caused the criminal violation. If the request is granted, the person must successfully complete a court ordered and monitored treatment program.

The first DWI victims' impact panel in the United States was implemented in the early 1980s in King County Northeast District Court. There are now at least six operating DWI victims' impact panel programs in Washington, and others are being developed. Currently, however, there is no explicit statutory authority enabling judges to make attendance at a DWI victims' impact panel a condition of the sentence.

Summary of Bill: A court may require a person who is convicted of a DWI, or who enters a deferred prosecution program, to attend an educational program. The program is to focus on the emotional, physical, and financial suffering of victims who were injured by persons convicted of driving while under the influence of intoxicants.

Fiscal Note: Requested.

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

Testimony For: None.

Testimony Against: None.

Witnesses: None.