

1 **SSB 6047** - H AMDS TO STRIKING AMENDMENT (H-4397.3)**1278 ADPTD 3394**
2 By Representative Appelwick

3 On page 8, after line 2, insert the following:

4 "(6) (a) In addition to any nonsuspendable and nondeferrable
5 jail sentence required by this section, whenever the court
6 imposes less than one year in jail, the court shall also suspend
7 but shall not defer a period of confinement for a period not
8 exceeding two years. The court shall impose conditions of
9 probation that include (i) not driving a motor vehicle within
10 this state without a valid license to drive and proof of
11 financial responsibility for the future, (ii) not driving a motor
12 vehicle within this state while having an alcohol concentration
13 of 0.08 or more within two hours after driving, and (iii) not
14 refusing to submit to a test of his or her breath or blood to
15 determine alcohol concentration upon request of a law enforcement
16 officer who has reasonable grounds to believe the person was
17 driving or was in actual physical control of a motor vehicle
18 within this state while under the influence of intoxicating
19 liquor. The court may impose conditions of probation that
20 include nonrepetition, alcohol or drug treatment, supervised
21 probation, or other conditions that may be appropriate. The
22 sentence may be imposed in whole or in part upon violation of a
23 condition of probation during the suspension period.

24 (b) For each violation of mandatory conditions of probation
25 under (a) (i) and (ii) or (a) (i) and (iii) of this subsection,
26 the court shall order the convicted person to be confined for
27 thirty days, which shall not be suspended or deferred.

28 (c) For each incident involving a violation of a mandatory
29 condition of probation imposed under this subsection of this
30 section, the license, permit, or privilege to drive of the person
31 shall be suspended by the court for thirty days or, if such

1 license, permit, or privilege to drive already is suspended,
2 revoked, or denied at the time the finding of probation violation
3 is made, the suspension, revocation, or denial then in effect
4 shall be extended by thirty days. The court shall notify the
5 department of any suspension, revocation, or denial or any
6 extension of a suspension, revocation, or denial, imposed under
7 this subsection."
8

9 On page 9, after line 24, insert the following:

10 "(5) (a) In addition to any nonsuspendable and nondeferrable
11 jail sentence required by this section, whenever the court
12 imposes less than one year in jail, the court shall also suspend
13 but shall not defer a period of confinement for a period not
14 exceeding two years. The court shall impose conditions of
15 probation that include (i) not driving a motor vehicle within
16 this state without a valid license to drive and proof of
17 financial responsibility for the future, (ii) not driving a motor
18 vehicle within this state while having an alcohol concentration
19 of 0.08 or more within two hours after driving, and (iii) not
20 refusing to submit to a test of his or her breath or blood to
21 determine alcohol concentration upon request of a law enforcement
22 officer who has reasonable grounds to believe the person was
23 driving or was in actual physical control of a motor vehicle
24 within this state while under the influence of intoxicating
25 liquor. The court may impose conditions of probation that
26 include nonrepetition, alcohol or drug treatment, supervised
27 probation, or other conditions that may be appropriate. The
28 sentence may be imposed in whole or in part upon violation of a
29 condition of probation during the suspension period.

30 (b) For each violation of mandatory conditions of probation
31 under (a) (i) and (ii) or (a) (i) and (iii) of this subsection,
32 the court shall order the convicted person to be confined for
33 thirty days, which shall not be suspended or deferred.

1 (c) For each incident involving a violation of a mandatory
2 condition of probation imposed under this subsection of this
3 section, the license, permit, or privilege to drive of the person
4 shall be suspended by the court for thirty days or, if such
5 license, permit, or privilege to drive already is suspended,
6 revoked, or denied at the time the finding of probation violation
7 is made, the suspension, revocation, or denial then in effect
8 shall be extended by thirty days. The court shall notify the
9 department of any suspension, revocation, or denial or any
10 extension of a suspension, revocation, or denial, imposed under
11 this subsection."
12

13 On page 10, after line 20, insert the following:

14 "(4) (a) In addition to any nonsuspendable and nondeferrable
15 jail sentence required by this section, whenever the court
16 imposes less than one year in jail, the court shall also suspend
17 but shall not defer a period of confinement for a period not
18 exceeding two years. The court shall impose conditions of
19 probation that include (i) not driving a motor vehicle within
20 this state without a valid license to drive and proof of
21 financial responsibility for the future, (ii) not driving a motor
22 vehicle within this state while having an alcohol concentration
23 of 0.08 or more within two hours after driving, and (iii) not
24 refusing to submit to a test of his or her breath or blood to
25 determine alcohol concentration upon request of a law enforcement
26 officer who has reasonable grounds to believe the person was
27 driving or was in actual physical control of a motor vehicle
28 within this state while under the influence of intoxicating
29 liquor. The court may impose conditions of probation that
30 include nonrepetition, alcohol or drug treatment, supervised
31 probation, or other conditions that may be appropriate. The
32 sentence may be imposed in whole or in part upon violation of a
33 condition of probation during the suspension period.

1 (b) For each violation of mandatory conditions of probation
2 under (a) (i) and (ii) or (a) (i) and (iii) of this subsection,
3 the court shall order the convicted person to be confined for
4 thirty days, which shall not be suspended or deferred.

5 (c) For each incident involving a violation of a mandatory
6 condition of probation imposed under this subsection of this
7 section, the license, permit, or privilege to drive of the person
8 shall be suspended by the court for thirty days or, if such
9 license, permit, or privilege to drive already is suspended,
10 revoked, or denied at the time the finding of probation violation
11 is made, the suspension, revocation, or denial then in effect
12 shall be extended by thirty days. The court shall notify the
13 department of any suspension, revocation, or denial or any
14 extension of a suspension, revocation, or denial, imposed under
15 this subsection."

EFFECT: Requires imposition of certain conditions of probation for any criminal conviction for DUI. Mandatory conditions include: not driving without a license or insurance; not driving with a BAC of more than 0.08; not refusing a BAC test. A violation of any one of these conditions carries a 30 day license suspension. A violation that includes driving without a license or insurance and either refusing a BAC or having a BAC of 0.08 or more, results in a mandatory 30 days in jail.