

# SENATE BILL REPORT

## SHB 1619

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As Reported By Senate Committee On:  
Judiciary, April 2, 2003

**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:** House Committee on Judiciary (originally sponsored by 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 History:**

**Committee Activity:** Judiciary: 3/28/03, 4/2/03 [DPA].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass as amended.

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

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

**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.

In all DUI cases, courts are authorized to order a person to drive only a vehicle equipped with an ignition interlock device. In some DUI cases, courts are required to order this ignition interlock restriction.

In sentencing a DUI offender, the court is also directed to consider whether the driver caused any injury or damage, and whether there were passengers in his or her car.

**Summary of Amended Bill:** If a person commits DUI while there is a passenger under the age of 16 in the vehicle, the court is required to order 60 days of ignition interlock use in addition to any ignition interlock restriction that is already required under current law. In DUI cases in which the court is not now required to order ignition interlock use, if a DUI is committed with a passenger under the age of 16 years in the car, the court is directed to impose an ignition interlock restriction for 60 days. For purposes of sentencing, the court may consider whether there were adult or minor passengers in the vehicle when a DUI was committed.

**Amended Bill Compared to Substitute Bill:** The amended bill restores the ability of the court, when sentencing, to take into consideration whether there were any passengers, minors or adults, in the vehicle at the time of the commission of the DUI offense.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Twenty-seven states have extra sanctions for people who commit DUI with children in their cars. In 64 percent of the cases in which children die in motor vehicle crashes, the driver of the vehicle in which the child was riding was drunk. The driver is often a parent of a child in the car. This bill is another tool to protect children.

**Testimony Against:** None.

**Testified:** Representative Lovick, prime sponsor; Peter Younger, MADD; Glenn Cramer, Captain, WA State Patrol.