

SHB 1482 - H AMD 228

By Representative Goodman

NOT CONSIDERED

1 On page 21, beginning on line 17, after "by law" strike all
2 material through "section" on line 18

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4 On page 21, beginning on line 24, after "(b)" strike all material
5 through "section." on page 22, line 5 and insert "In any case in which
6 the person has no prior offenses within seven years, and except as
7 provided in RCW 46.61.502(6) or 46.61.504(6), order a penalty by a
8 fine of not less than one thousand dollars and not more than five
9 thousand dollars. One thousand dollars of the fine may not be
10 suspended or deferred unless the court finds the offender to be
11 indigent;

12 (c) In any case in which the person has one prior offense within
13 seven years, and except as provided in RCW 46.61.502(6) or
14 46.61.504(6), order a penalty by a fine of not less than two thousand
15 dollars and not more than five thousand dollars. One thousand dollars
16 of the fine may not be suspended or deferred unless the court finds
17 the offender to be indigent;

18 (d) In any case in which the person has two or three prior
19 offenses within seven years, and except as provided in RCW
20 46.61.502(6) or 46.61.504(6), order a penalty by a fine of not less
21 than three thousand dollars and not more than ten thousand dollars.
22 One thousand dollars of the fine may not be suspended or deferred
23 unless the court finds the offender to be indigent."

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25 On page 59, beginning on line 30, strike all of section 20

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27 Correct the title.

EFFECT: Deletes the new provision that was added in the substitute bill requiring all offenders to use an ignition interlock device (IID) and pay a straight \$500 fine (despite the person's previous DUI criminal history) if convicted of a DUI offense when a minor was in the vehicle at time of the offense. This \$500 fine was exempted from the public safety and education assessment (PSEA).

Instead, it restores the previous DUI fines and penalties back to current law if convicted of a DUI offense while a minor was in the vehicle at the time of offense. However it is clarified that those fines are in addition to (and not in lieu of) all other penalties provided by law. Under current law, those penalties and fines are assessed based on the individual's prior convictions as follows:

- no prior offenses - mandatory use of an IID and a fine of \$1,000 to \$5,000;
- one prior offense within seven years - mandatory use of an IID and a fine of \$2,000 to \$5,000; and
- two or three prior offenses with seven years - mandatory use of an IID and a fine of minimum of \$3,000 and maximum of \$10,000.

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