

SENATE BILL REPORT

SB 6090

As Reported by Senate Committee On:
Law & Justice, January 27, 2014

Title: An act relating to driving under the influence.

Brief Description: Modifying driving under the influence and physical control of a vehicle under the influence provisions.

Sponsors: Senators Padden, Pearson, Fain, Bailey, Dansel, Honeyford, Becker, Tom, Roach, Benton, Sheldon, Dammeier, O'Ban, Baumgartner, Brown and Parlette.

Brief History:

Committee Activity: Law & Justice: 1/20/14, 1/27/14 [DP-WM, DNP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Darneille, Pearson and Roach.

Minority Report: Do not pass.

Signed by Senators Kline, Ranking Member; Pedersen.

Staff: Aldo Melchiori (786-7439)

Background: Engrossed Second Substitute Senate Bill 5912 was passed during the 2013 Second Special Session of the Legislature. A provision in the bill created an Impaired Driving Workgroup that worked over the 2013 interim to develop ideas and strategies to address vehicle deaths and serious injuries resulting from impaired driving. One of the strategies reviewed and supported by the committee members is to lower the minimum number of previous impaired driving convictions that must be counted before constituting and being punishable as a felony offense.

A driving under the influence (DUI) or being in physical control of a motor vehicle while under the influence (PC) offense is punishable as a gross misdemeanor offense if the person has fewer than four prior DUI or PC 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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A prior offense is within seven years if the arrest for a prior offense occurred within seven years before or after the arrest for the current offense. Similarly, a prior offense is within ten years if the arrest for a prior offense occurred within ten years before or after the arrest for the current offense.

Prior offenses include convictions for (1) DUI or PC; (2) vehicular homicide and vehicular assault if either was committed while under the influence; (3) negligent driving after having consumed alcohol (wet neg), and reckless endangerment, if the original charge was DUI, PC, vehicular homicide, or vehicular assault; and (4) an equivalent local DUI or PC ordinance or out-of-state DUI law. In addition, a deferred prosecution for DUI or wet neg is a prior offense even if the charges are dropped after successful completion of the deferred prosecution program.

Summary of Bill: A person may be charged with felony DUI or PC, if the person's criminal record includes three or more, instead of four or more, prior offenses within the applicable time periods.

Appropriation: None.

Fiscal Note: Requested on January 14, 2014.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Stronger felony DUI penalties can help prevent vehicle crashes and save lives. Elected prosecuting attorneys support this change because it would send a strong message that repeat offenders are a serious problem and it would get dangerous drivers off the street for a longer period of time. The Legislature needs to consider the human and economic cost of not making this change. This is good policy that is worth paying for. DUI crashes kill more people than firearms. This will allow increased supervision as well. If the 24/7 pilot project is successful, it may help lessen the fiscal impact. Families suffer serious physical and emotional damage as a result of these preventable crimes. We need to save lives, not save dollars.

Persons Testifying: PRO: Senator Padden, prime sponsor; Linda Thompson, Greater Spokane Substance Abuse Council; Amy Freedheim, King County Prosecuting Attorney's Office; Mark Lindquist, Pierce County Prosecuting Attorney; Don Pierce, WA Assn. of Sheriffs and Police Chiefs; Steve Lind, WA Traffic Safety Commission; Dan Schulte, citizen.