

HOUSE BILL REPORT

HB 2706

As Reported by House Committee On:
Public Safety

Title: An act relating to making a fourth driving under the influence offense a felony.

Brief Description: Making a fourth driving under the influence offense a felony.

Sponsors: Representatives Klippert, Goodman, Hayes, Wilson, Griffey, Orwall, Muri, Senn, Hargrove, Stanford, Smith, Fey and Kilduff.

Brief History:

Committee Activity:

Public Safety: 1/29/16, 2/3/16 [DP].

Brief Summary of Bill

- Makes it a felony level offense on a person's fourth Driving Under the Influence (DUI) offense instead of the person's fifth offense.
- Reduces felony DUI offenses from a seriousness level V to a seriousness level IV offense.
- Assesses a \$50 fee for DUI, Vehicular homicide, or Vehicular assault offenses with the funding being used to fund organizations within counties targeted for programs to reduce impaired driving.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Griffey, Moscoso, Pettigrew and Wilson.

Staff: Yvonne Walker (786-7841).

Background:

A person can commit Driving Under the Influence (DUI) or being in Physical Control (PC) of a motor vehicle under the influence of intoxicating liquor or any drug if the person drives

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with a blood or breath alcohol concentration (BAC) of 0.08 or higher, a THC (tetrahydrocannabinol) concentration of 5.0 or higher, or is under the influence of or affected by liquor or any drug. A DUI/PC offense is punishable as a gross misdemeanor offense. It becomes a seriousness level V, class C felony offense if a person has four or more prior offenses within 10 years. The presumptive sentence range for a person convicted of a felony level DUI/PC offense is 22 to 29 months in prison.

In addition to the periods of incarceration, a conviction for a DUI/PC offense can also include mandatory fees and fines ranging from \$1,000 up to \$5,000. Such fees include, but are not limited to: Public Safety and Education Assessments, court costs, criminal conviction, and for funding the Washington State Toxicology Laboratory, and for funding the Washington State Patrol (for grants and activities to increase the conviction rate and decrease the incidence of persons DUI of alcohol or drugs).

The Highway Safety Fund is a fund used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes of the Washington Traffic Safety Commission and other transportation-related costs.

Summary of Bill:

A DUI/PC offense becomes punishable as a felony level offense if a person has three or more prior offenses (instead of four or more) within 10 years. Such offenses are ranked as a seriousness level IV (instead of a V), class C felony offense. The presumptive sentence range for a person convicted of three or more DUI/PC offenses and no other criminal history is 13 to 17 months in prison.

An additional \$50 fee is also assessed to any person convicted, sentenced to a lesser charge, or given a deferred prosecution as a result of an arrest for violating a DUI, PC, vehicular homicide, or vehicular assault offense. Revenue from the fee must be distributed to the Highway Safety Fund to be used solely for funding the Washington Traffic Safety Commission grants to organizations within counties targeted to reduce driving under the influence of alcohol or drugs.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Currently it takes five DUIs before it can become a felony offense. This bill will change it to four prior DUI convictions. The goal is to prevent atrocities and to ensure citizens that drive on Washington highways are safe. The \$50 fee in the bill will help to patrol the highways better and to catch the people who are committing DUI violations. The seriousness level for DUI felonies has been reduced to help balance the increased costs of changing the amount of prior offenses needed before it becomes a felony.

There was a case where an impaired driver ran over a person and the offender only spent six weekends in jail. Impaired driving is happening all too often. The fiscal note should not deter the decision to pass this bill. It should not take a person critically injuring or killing someone else before something is done.

Alcoholism is a physical disease but it is also a mental obsession. The general perception is that first-time offenders are not problem drinkers, and that they are law-abiding citizens that need education. This explains the lighter sanctions that are generally imposed. The problem drinkers who drive, will hopefully rethink about driving when they know the DUI laws are stricter. The pain of the punishment needs to outweigh the risk. This bill is the right thing to do.

(Opposed) None.

Persons Testifying: Representative Klippert, prime sponsor; Robin Farris, City of Puyallup; and William Hilton.

Persons Signed In To Testify But Not Testifying: None.