
HOUSE BILL 1315

State of Washington

69th Legislature

2025 Regular Session

By Representatives Donaghy, Berry, Goodman, Pollet, Nance, and Doglio

Read first time 01/15/25. Referred to Committee on Community Safety.

1 AN ACT Relating to impaired driving; amending RCW 46.61.502,
2 46.61.503, 46.61.504, 46.61.5055, 46.61.506, 46.20.308, 46.20.3101,
3 46.61.500, and 46.61.5249; reenacting and amending RCW 9A.04.080;
4 adding a new section to chapter 43.59 RCW; adding a new section to
5 chapter 66.44 RCW; adding a new section to chapter 66.08 RCW;
6 prescribing penalties; providing an effective date; and providing an
7 expiration date.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 **Sec. 1.** RCW 46.61.502 and 2024 c 306 s 30 are each amended to
10 read as follows:

11 (1) A person is guilty of driving while under the influence of
12 intoxicating liquor, cannabis, or any drug if the person drives a
13 vehicle within this state:

14 (a) And the person has, within two hours after driving, an
15 alcohol concentration of (~~0.08~~) 0.05 or higher as shown by analysis
16 of the person's breath or blood made under RCW 46.61.506; or

17 (b) The person has, within two hours after driving, a THC
18 concentration of 5.00 or higher as shown by analysis of the person's
19 blood made under RCW 46.61.506; or

20 (c) While the person is under the influence of or affected by
21 intoxicating liquor, cannabis, or any drug; or

1 (d) While the person is under the combined influence of or
2 affected by intoxicating liquor, cannabis, and any drug.

3 (2) The fact that a person charged with a violation of this
4 section is or has been entitled to use a drug under the laws of this
5 state shall not constitute a defense against a charge of violating
6 this section.

7 (3)(a) It is an affirmative defense to a violation of subsection
8 (1)(a) of this section, which the defendant must prove by a
9 preponderance of the evidence, that the defendant consumed a
10 sufficient quantity of alcohol after the time of driving and before
11 the administration of an analysis of the person's breath or blood to
12 cause the defendant's alcohol concentration to be (~~(0.08)~~) 0.05 or
13 more within two hours after driving. The court shall not admit
14 evidence of this defense unless the defendant notifies the
15 prosecution prior to the omnibus or pretrial hearing in the case of
16 the defendant's intent to assert the affirmative defense.

17 (b) It is an affirmative defense to a violation of subsection
18 (1)(b) of this section, which the defendant must prove by a
19 preponderance of the evidence, that the defendant consumed a
20 sufficient quantity of cannabis after the time of driving and before
21 the administration of an analysis of the person's blood to cause the
22 defendant's THC concentration to be 5.00 or more within two hours
23 after driving. The court shall not admit evidence of this defense
24 unless the defendant notifies the prosecution prior to the omnibus or
25 pretrial hearing in the case of the defendant's intent to assert the
26 affirmative defense.

27 (4)(a) Analyses of blood or breath samples obtained more than two
28 hours after the alleged driving may be used as evidence that within
29 two hours of the alleged driving, a person had an alcohol
30 concentration of (~~(0.08)~~) 0.05 or more in violation of subsection
31 (1)(a) of this section, and in any case in which the analysis shows
32 an alcohol concentration above 0.00 may be used as evidence that a
33 person was under the influence of or affected by intoxicating liquor
34 or any drug in violation of subsection (1)(c) or (d) of this section.

35 (b) Analyses of blood samples obtained more than two hours after
36 the alleged driving may be used as evidence that within two hours of
37 the alleged driving, a person had a THC concentration of 5.00 or more
38 in violation of subsection (1)(b) of this section, and in any case in
39 which the analysis shows a THC concentration above 0.00 may be used

1 as evidence that a person was under the influence of or affected by
2 cannabis in violation of subsection (1)(c) or (d) of this section.

3 (5) Except as provided in subsection (6) of this section, a
4 violation of this section is a gross misdemeanor.

5 (6) It is a class B felony punishable under chapter 9.94A RCW, or
6 chapter 13.40 RCW if the person is a juvenile, if:

7 (a) The person has three or more prior offenses within 15 years
8 as defined in RCW 46.61.5055; or

9 (b) The person has ever previously been convicted of:

10 (i) Vehicular homicide while under the influence of intoxicating
11 liquor or any drug, RCW 46.61.520(1)(a);

12 (ii) Vehicular assault while under the influence of intoxicating
13 liquor or any drug, RCW 46.61.522(1)(b);

14 (iii) An out-of-state offense comparable to the offense specified
15 in (b)(i) or (ii) of this subsection; or

16 (iv) A violation of this subsection (6) or RCW 46.61.504(6).

17 **Sec. 2.** RCW 46.61.503 and 2022 c 16 s 41 are each amended to
18 read as follows:

19 (1) Notwithstanding any other provision of this title, a person
20 is guilty of driving or being in physical control of a motor vehicle
21 after consuming alcohol or cannabis if the person operates or is in
22 physical control of a motor vehicle within this state and the person:

23 (a) Is under the age of (~~twenty-one~~) 21; and

24 (b) Has, within two hours after operating or being in physical
25 control of the motor vehicle, either:

26 (i) An alcohol concentration of at least 0.02 but less than the
27 concentration specified in RCW 46.61.502, as shown by analysis of the
28 person's breath or blood made under RCW 46.61.506; or

29 (ii) A THC concentration above 0.00 but less than the
30 concentration specified in RCW 46.61.502, as shown by analysis of the
31 person's blood made under RCW 46.61.506.

32 (2) It is an affirmative defense to a violation of subsection (1)
33 of this section, which the defendant must prove by a preponderance of
34 the evidence, that the defendant consumed a sufficient quantity of
35 alcohol or cannabis after the time of driving or being in physical
36 control and before the administration of an analysis of the person's
37 breath or blood to cause the defendant's alcohol or THC concentration
38 to be in violation of subsection (1) of this section within two hours
39 after driving or being in physical control. The court shall not admit

1 evidence of this defense unless the defendant notifies the
2 prosecution prior to the earlier of: (a) Seven days prior to trial;
3 or (b) the omnibus or pretrial hearing in the case of the defendant's
4 intent to assert the affirmative defense.

5 (3) No person may be convicted under this section for being in
6 physical control of a motor vehicle and it is an affirmative defense
7 to any action pursuant to RCW 46.20.308 to suspend, revoke, or deny
8 the privilege to drive, if, prior to being pursued by a law
9 enforcement officer, the person has moved the vehicle safely off the
10 roadway.

11 (4) Analyses of blood or breath samples obtained more than two
12 hours after the alleged driving or being in physical control may be
13 used as evidence that within two hours of the alleged driving or
14 being in physical control, a person had an alcohol or THC
15 concentration in violation of subsection (1) of this section.

16 (5) A violation of this section is a misdemeanor. Upon
17 conviction, the court shall order an expanded substance use disorder
18 assessment and treatment, if deemed appropriate by the assessment.

19 **Sec. 3.** RCW 46.61.504 and 2024 c 306 s 32 are each amended to
20 read as follows:

21 (1) A person is guilty of being in actual physical control of a
22 motor vehicle while under the influence of intoxicating liquor or any
23 drug if the person has actual physical control of a vehicle within
24 this state:

25 (a) And the person has, within two hours after being in actual
26 physical control of the vehicle, an alcohol concentration of (~~0.08~~)
27 0.05 or higher as shown by analysis of the person's breath or blood
28 made under RCW 46.61.506; or

29 (b) The person has, within two hours after being in actual
30 physical control of a vehicle, a THC concentration of 5.00 or higher
31 as shown by analysis of the person's blood made under RCW 46.61.506;
32 or

33 (c) While the person is under the influence of or affected by
34 intoxicating liquor or any drug; or

35 (d) While the person is under the combined influence of or
36 affected by intoxicating liquor and any drug.

37 (2) The fact that a person charged with a violation of this
38 section is or has been entitled to use a drug under the laws of this
39 state does not constitute a defense against any charge of violating

1 this section. No person may be convicted under this section and it is
2 an affirmative defense to any action pursuant to RCW 46.20.308 to
3 suspend, revoke, or deny the privilege to drive if, prior to being
4 pursued by a law enforcement officer, the person has moved the
5 vehicle safely off the roadway.

6 (3) (a) It is an affirmative defense to a violation of subsection
7 (1)(a) of this section which the defendant must prove by a
8 preponderance of the evidence that the defendant consumed a
9 sufficient quantity of alcohol after the time of being in actual
10 physical control of the vehicle and before the administration of an
11 analysis of the person's breath or blood to cause the defendant's
12 alcohol concentration to be (~~(0.08)~~) 0.05 or more within two hours
13 after being in such control. The court shall not admit evidence of
14 this defense unless the defendant notifies the prosecution prior to
15 the omnibus or pretrial hearing in the case of the defendant's intent
16 to assert the affirmative defense.

17 (b) It is an affirmative defense to a violation of subsection
18 (1)(b) of this section, which the defendant must prove by a
19 preponderance of the evidence, that the defendant consumed a
20 sufficient quantity of cannabis after the time of being in actual
21 physical control of the vehicle and before the administration of an
22 analysis of the person's blood to cause the defendant's THC
23 concentration to be 5.00 or more within two hours after being in
24 control of the vehicle. The court shall not admit evidence of this
25 defense unless the defendant notifies the prosecution prior to the
26 omnibus or pretrial hearing in the case of the defendant's intent to
27 assert the affirmative defense.

28 (4) (a) Analyses of blood or breath samples obtained more than two
29 hours after the alleged being in actual physical control of a vehicle
30 may be used as evidence that within two hours of the alleged being in
31 such control, a person had an alcohol concentration of (~~(0.08)~~) 0.05
32 or more in violation of subsection (1)(a) of this section, and in any
33 case in which the analysis shows an alcohol concentration above 0.00
34 may be used as evidence that a person was under the influence of or
35 affected by intoxicating liquor or any drug in violation of
36 subsection (1)(c) or (d) of this section.

37 (b) Analyses of blood samples obtained more than two hours after
38 the alleged being in actual physical control of a vehicle may be used
39 as evidence that within two hours of the alleged being in control of
40 the vehicle, a person had a THC concentration of 5.00 or more in

1 violation of subsection (1)(b) of this section, and in any case in
2 which the analysis shows a THC concentration above 0.00 may be used
3 as evidence that a person was under the influence of or affected by
4 cannabis in violation of subsection (1)(c) or (d) of this section.

5 (5) Except as provided in subsection (6) of this section, a
6 violation of this section is a gross misdemeanor.

7 (6) It is a class C felony punishable under chapter 9.94A RCW, or
8 chapter 13.40 RCW if the person is a juvenile, if:

9 (a) The person has three or more prior offenses within 15 years
10 as defined in RCW 46.61.5055; or

11 (b) The person has ever previously been convicted of:

12 (i) Vehicular homicide while under the influence of intoxicating
13 liquor or any drug, RCW 46.61.520(1)(a);

14 (ii) Vehicular assault while under the influence of intoxicating
15 liquor or any drug, RCW 46.61.522(1)(b);

16 (iii) An out-of-state offense comparable to the offense specified
17 in (b)(i) or (ii) of this subsection; or

18 (iv) A violation of this subsection (6) or RCW 46.61.502(6).

19 **Sec. 4.** RCW 46.61.5055 and 2024 c 306 s 31 are each amended to
20 read as follows:

21 (1) **No prior offenses in seven years.** Except as provided in RCW
22 46.61.502(6) or 46.61.504(6), a person who is convicted of a
23 violation of RCW 46.61.502 or 46.61.504 and who has no prior offense
24 within seven years shall be punished as follows:

25 (a) **Penalty for alcohol concentration less than 0.15.** In the case
26 of a person whose alcohol concentration was less than 0.15, or for
27 whom for reasons other than the person's refusal to take a test
28 offered pursuant to RCW 46.20.308 there is no test result indicating
29 the person's alcohol concentration:

30 (i) By imprisonment for not less than 24 consecutive hours nor
31 more than 364 days. In lieu of the mandatory minimum term of
32 imprisonment required under this subsection (1)(a)(i), the court, in
33 its discretion, may order not less than 15 days of electronic home
34 monitoring or a 90-day period of 24/7 sobriety program monitoring.
35 The court may consider the offender's pretrial 24/7 sobriety program
36 monitoring as fulfilling a portion of posttrial sentencing. The
37 offender shall pay the cost of electronic home monitoring. The county
38 or municipality in which the penalty is being imposed shall determine
39 the cost. The court may also require the offender's electronic home

1 monitoring device or other separate alcohol monitoring device to
2 include an alcohol detection breathalyzer, and the court may restrict
3 the amount of alcohol the offender may consume during the time the
4 offender is on electronic home monitoring; and

5 (ii) By a fine of not less than \$350 nor more than \$5,000. \$350
6 of the fine may not be suspended unless the court finds the offender
7 to be indigent; or

8 (b) **Penalty for alcohol concentration at least 0.15.** In the case
9 of a person whose alcohol concentration was at least 0.15, or for
10 whom by reason of the person's refusal to take a test offered
11 pursuant to RCW 46.20.308 there is no test result indicating the
12 person's alcohol concentration:

13 (i) By imprisonment for not less than 48 consecutive hours nor
14 more than 364 days. In lieu of the mandatory minimum term of
15 imprisonment required under this subsection (1)(b)(i), the court, in
16 its discretion, may order not less than 30 days of electronic home
17 monitoring or a 120-day period of 24/7 sobriety program monitoring.
18 The court may consider the offender's pretrial 24/7 sobriety program
19 testing as fulfilling a portion of posttrial sentencing. The offender
20 shall pay the cost of electronic home monitoring. The county or
21 municipality in which the penalty is being imposed shall determine
22 the cost. The court may also require the offender's electronic home
23 monitoring device to include an alcohol detection breathalyzer or
24 other separate alcohol monitoring device, and the court may restrict
25 the amount of alcohol the offender may consume during the time the
26 offender is on electronic home monitoring; and

27 (ii) By a fine of not less than \$500 nor more than \$5,000. \$500
28 of the fine may not be suspended unless the court finds the offender
29 to be indigent.

30 (2) **One prior offense in seven years.** Except as provided in RCW
31 46.61.502(6) or 46.61.504(6), a person who is convicted of a
32 violation of RCW 46.61.502 or 46.61.504 and who has one prior offense
33 within seven years shall be punished as follows:

34 (a) **Penalty for alcohol concentration less than 0.15.** In the case
35 of a person whose alcohol concentration was less than 0.15, or for
36 whom for reasons other than the person's refusal to take a test
37 offered pursuant to RCW 46.20.308 there is no test result indicating
38 the person's alcohol concentration:

39 (i) By imprisonment for not less than 30 days nor more than 364
40 days and 60 days of electronic home monitoring. (~~Thirty days of~~

1 ~~imprisonment and 60 days of electronic home monitoring may not be~~
2 ~~suspended or converted unless the court finds that the imposition of~~
3 ~~this mandatory minimum sentence would impose a substantial risk to~~
4 ~~the offender's physical or mental well-being. If the offender shows~~
5 ~~that the imposition of this mandatory minimum sentence would impose a~~
6 ~~substantial risk to the offender's physical or mental well-being,~~
7 ~~in)) In lieu of the mandatory term of imprisonment and electronic~~
8 ~~home monitoring under this subsection (2)(a)(i), the court may order~~
9 ~~a minimum of four days in jail and either 180 days of electronic home~~
10 ~~monitoring or a 120-day period of 24/7 sobriety program monitoring~~
11 ~~pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory~~
12 ~~minimum sentence is suspended or converted, the court shall state in~~
13 ~~writing the reason for granting the suspension or conversion and the~~
14 ~~facts upon which the suspension or conversion is based. The court may~~
15 ~~consider the offender's pretrial 24/7 sobriety program monitoring as~~
16 ~~fulfilling a portion of posttrial sentencing. The court shall order~~
17 ~~an expanded substance use disorder assessment and treatment, if~~
18 ~~deemed appropriate by the assessment. The offender shall pay for the~~
19 ~~cost of the electronic monitoring. The county or municipality where~~
20 ~~the penalty is being imposed shall determine the cost. The court may~~
21 ~~also require the offender's electronic home monitoring device include~~
22 ~~an alcohol detection breathalyzer or other separate alcohol~~
23 ~~monitoring device, and may restrict the amount of alcohol the~~
24 ~~offender may consume during the time the offender is on electronic~~
25 ~~home monitoring; and~~

26 (ii) By a fine of not less than \$500 nor more than \$5,000. \$500
27 of the fine may not be suspended unless the court finds the offender
28 to be indigent; or

29 (b) **Penalty for alcohol concentration at least 0.15.** In the case
30 of a person whose alcohol concentration was at least 0.15, or for
31 whom by reason of the person's refusal to take a test offered
32 pursuant to RCW 46.20.308 there is no test result indicating the
33 person's alcohol concentration:

34 (i) By imprisonment for not less than 45 days nor more than 364
35 days and 90 days of electronic home monitoring. (~~Forty-five days of~~
36 ~~imprisonment and 90 days of electronic home monitoring may not be~~
37 ~~suspended or converted unless the court finds that the imposition of~~
38 ~~this mandatory minimum sentence would impose a substantial risk to~~
39 ~~the offender's physical or mental well-being. If the offender shows~~
40 ~~that the imposition of this mandatory minimum sentence would impose a~~

1 ~~substantial risk to the offender's physical or mental well-being,~~
2 in)) In lieu of the mandatory minimum term of imprisonment and
3 electronic home monitoring under this subsection (2)(b)(i), the court
4 may order a minimum of six days in jail and either six months of
5 electronic home monitoring or a 120-day period of 24/7 sobriety
6 program monitoring pursuant to RCW 36.28A.300 through 36.28A.390.
7 Whenever the mandatory minimum sentence is suspended or converted,
8 the court shall state in writing the reason for granting the
9 suspension or conversion and the facts upon which the suspension or
10 conversion is based. The court may consider the offender's pretrial
11 24/7 sobriety program monitoring as fulfilling a portion of posttrial
12 sentencing. The court shall order an expanded substance use disorder
13 assessment and treatment, if deemed appropriate by the assessment.
14 The offender shall pay for the cost of the electronic monitoring. The
15 county or municipality where the penalty is being imposed shall
16 determine the cost. The court may also require the offender's
17 electronic home monitoring device include an alcohol detection
18 breathalyzer or other separate alcohol monitoring device, and may
19 restrict the amount of alcohol the offender may consume during the
20 time the offender is on electronic home monitoring; and

21 (ii) By a fine of not less than \$750 nor more than \$5,000. \$750
22 of the fine may not be suspended unless the court finds the offender
23 to be indigent.

24 (3) **Two prior offenses in seven years.** Except as provided in RCW
25 46.61.502(6) or 46.61.504(6), a person who is convicted of a
26 violation of RCW 46.61.502 or 46.61.504 and who has two prior
27 offenses within seven years shall be punished as follows:

28 (a) **Penalty for alcohol concentration less than 0.15.** In the case
29 of a person whose alcohol concentration was less than 0.15, or for
30 whom for reasons other than the person's refusal to take a test
31 offered pursuant to RCW 46.20.308 there is no test result indicating
32 the person's alcohol concentration:

33 (i) By imprisonment for not less than 90 days nor more than 364
34 days, if available in that county or city, a six-month period of 24/7
35 sobriety program monitoring pursuant to RCW 36.28A.300 through
36 36.28A.390, and 120 days of electronic home monitoring. Ninety days
37 of imprisonment and 120 days of electronic home monitoring may not be
38 suspended or converted unless the court finds that the imposition of
39 this mandatory minimum sentence would impose a substantial risk to
40 the offender's physical or mental well-being. If the offender shows

1 that the imposition of this mandatory minimum sentence would impose a
2 substantial risk to the offender's physical or mental well-being, in
3 lieu of the mandatory minimum term of 90 days of imprisonment and 120
4 days of electronic home monitoring, the court may order 360 days of
5 electronic home monitoring or a 360-day period of 24/7 sobriety
6 monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever
7 the mandatory minimum sentence is suspended or converted, the court
8 shall state in writing the reason for granting the suspension or
9 conversion and the facts upon which the suspension or conversion is
10 based. The court shall order an expanded substance use disorder
11 assessment and treatment, if deemed appropriate by the assessment.
12 The offender shall pay for the cost of the electronic monitoring. The
13 county or municipality where the penalty is being imposed shall
14 determine the cost. The court may also require the offender's
15 electronic home monitoring device include an alcohol detection
16 breathalyzer or other separate alcohol monitoring device, and may
17 restrict the amount of alcohol the offender may consume during the
18 time the offender is on electronic home monitoring; and

19 (ii) By a fine of not less than \$1,000 nor more than \$5,000.
20 \$1,000 of the fine may not be suspended unless the court finds the
21 offender to be indigent; or

22 (b) **Penalty for alcohol concentration at least 0.15.** In the case
23 of a person whose alcohol concentration was at least 0.15, or for
24 whom by reason of the person's refusal to take a test offered
25 pursuant to RCW 46.20.308 there is no test result indicating the
26 person's alcohol concentration:

27 (i) By imprisonment for not less than 120 days nor more than 364
28 days, if available in that county or city, a six-month period of 24/7
29 sobriety program monitoring pursuant to RCW 36.28A.300 through
30 36.28A.390, and 150 days of electronic home monitoring. One hundred
31 twenty days of imprisonment and 150 days of electronic home
32 monitoring may not be suspended or converted unless the court finds
33 that the imposition of this mandatory minimum sentence would impose a
34 substantial risk to the offender's physical or mental well-being. If
35 the offender shows that the imposition of this mandatory minimum
36 sentence would impose a substantial risk to the offender's physical
37 or mental well-being, in lieu of the mandatory minimum term of 120
38 days of imprisonment and 150 days of electronic home monitoring, the
39 court may order 360 days of electronic home monitoring or a 360-day
40 period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through

1 36.28A.390. Whenever the mandatory minimum sentence is suspended or
2 converted, the court shall state in writing the reason for granting
3 the suspension or conversion and the facts upon which the suspension
4 or conversion is based. The offender shall pay for the cost of the
5 electronic monitoring. The court shall order an expanded substance
6 use disorder assessment and treatment, if deemed appropriate by the
7 assessment. The county or municipality where the penalty is being
8 imposed shall determine the cost. The court may also require the
9 offender's electronic home monitoring device include an alcohol
10 detection breathalyzer or other separate alcohol monitoring device,
11 and may restrict the amount of alcohol the offender may consume
12 during the time the offender is on electronic home monitoring; and

13 (ii) By a fine of not less than \$1,500 nor more than \$5,000.
14 \$1,500 (~~dollars~~) of the fine may not be suspended unless the court
15 finds the offender to be indigent.

16 (4) **Three or more prior offenses in 15 years.** A person who is
17 convicted of a violation of RCW 46.61.502 or 46.61.504 shall be
18 punished under chapter 9.94A RCW if:

19 (a) The person has three or more prior offenses within 15 years;
20 or

21 (b) The person has ever previously been convicted of:

22 (i) A violation of RCW 46.61.520 committed while under the
23 influence of intoxicating liquor or any drug;

24 (ii) A violation of RCW 46.61.522 committed while under the
25 influence of intoxicating liquor or any drug;

26 (iii) An out-of-state offense comparable to the offense specified
27 in (b) (i) or (ii) of this subsection; or

28 (iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

29 (5) **Monitoring.** (a) **Ignition interlock device.** The court shall
30 require any person convicted of a violation of RCW 46.61.502 or
31 46.61.504 or an equivalent local ordinance to comply with the rules
32 and requirements of the department regarding the installation and use
33 of a functioning ignition interlock device installed on all motor
34 vehicles operated by the person.

35 (b) **Monitoring devices.** If the court orders that a person refrain
36 from consuming any alcohol, the court may order the person to submit
37 to alcohol monitoring through an alcohol detection breathalyzer
38 device, transdermal sensor device, or other technology designed to
39 detect alcohol in a person's system. The person shall pay for the
40 cost of the monitoring, unless the court specifies that the cost of

1 monitoring will be paid with funds that are available from an
2 alternative source identified by the court. The county or
3 municipality where the penalty is being imposed shall determine the
4 cost.

5 (c) **24/7 sobriety program monitoring.** In any county or city where
6 a 24/7 sobriety program is available and verified by the Washington
7 association of sheriffs and police chiefs, the court shall:

8 (i) Order the person to install and use a functioning ignition
9 interlock or other device in lieu of such period of 24/7 sobriety
10 program monitoring;

11 (ii) Order the person to a period of 24/7 sobriety program
12 monitoring pursuant to subsections (1) through (3) of this section;
13 or

14 (iii) Order the person to install and use a functioning ignition
15 interlock or other device in addition to a period of 24/7 sobriety
16 program monitoring pursuant to subsections (1) through (3) of this
17 section.

18 (6) **Penalty for having a minor passenger in vehicle.** If a person
19 who is convicted of a violation of RCW 46.61.502 or 46.61.504
20 committed the offense while one or more passengers under the age of
21 16 were in the vehicle, the court shall:

22 (a) Order the use of an ignition interlock or other device for an
23 additional 12 months for each passenger under the age of 16 when the
24 person is subject to the penalties under subsection (1)(a), (2)(a),
25 or (3)(a) of this section; and order the use of an ignition interlock
26 device for an additional 18 months for each passenger under the age
27 of 16 when the person is subject to the penalties under subsection
28 (1)(b), (2)(b), (3)(b), or (4) of this section;

29 (b) In any case in which the person has no prior offenses within
30 seven years, and except as provided in RCW 46.61.502(6) or
31 46.61.504(6), order an additional 24 hours of imprisonment to be
32 served consecutively for each passenger under the age of 16, and a
33 fine of not less than \$1,000 and not more than \$5,000 for each
34 passenger under the age of 16. \$1,000 of the fine for each passenger
35 under the age of 16 may not be suspended unless the court finds the
36 offender to be indigent;

37 (c) In any case in which the person has one prior offense within
38 seven years, and except as provided in RCW 46.61.502(6) or
39 46.61.504(6), order an additional five days of imprisonment to be
40 served consecutively for each passenger under the age of 16, and a

1 fine of not less than \$2,000 and not more than \$5,000 for each
2 passenger under the age of 16. One thousand dollars of the fine for
3 each passenger under the age of 16 may not be suspended unless the
4 court finds the offender to be indigent;

5 (d) In any case in which the person has two prior offenses within
6 seven years, and except as provided in RCW 46.61.502(6) or
7 46.61.504(6), order an additional ten days of imprisonment to be
8 served consecutively for each passenger under the age of 16, and a
9 fine of not less than \$3,000 and not more than \$10,000 for each
10 passenger under the age of 16. \$1,000 of the fine for each passenger
11 under the age of 16 may not be suspended unless the court finds the
12 offender to be indigent.

13 (7) **Other items courts must consider while setting penalties.** In
14 exercising its discretion in setting penalties within the limits
15 allowed by this section, the court shall particularly consider the
16 following:

17 (a) Whether the person's driving at the time of the offense was
18 responsible for injury or damage to another or another's property;

19 (b) Whether at the time of the offense the person was driving or
20 in physical control of a vehicle with one or more passengers;

21 (c) Whether the driver was driving in the opposite direction of
22 the normal flow of traffic on a multiple lane highway, as defined by
23 RCW 46.04.350, with a posted speed limit of 45 miles per hour or
24 greater; and

25 (d) Whether a child passenger under the age of 16 was an occupant
26 in the driver's vehicle.

27 (8) **Treatment and information school.** An offender punishable
28 under this section is subject to the substance use disorder
29 assessment and treatment provisions of RCW 46.61.5056.

30 (9) **Driver's license privileges of the defendant.** (a) The
31 license, permit, or nonresident privilege of a person convicted of
32 driving or being in physical control of a motor vehicle while under
33 the influence of intoxicating liquor or drugs must:

34 (i) **Penalty for alcohol concentration less than 0.15.** If the
35 person's alcohol concentration was less than 0.15, or if for reasons
36 other than the person's refusal to take a test offered under RCW
37 46.20.308 there is no test result indicating the person's alcohol
38 concentration:

39 (A) Where there has been no prior offense within seven years, be
40 suspended or denied by the department for 90 days or until the person

1 is evaluated by a substance use disorder agency or probation
2 department pursuant to RCW 46.20.311 and the person completes or is
3 enrolled in a 90-day period of 24/7 sobriety program monitoring. In
4 no circumstances shall the license suspension be for fewer than two
5 days;

6 (B) Where there has been one prior offense within seven years, be
7 revoked or denied by the department for two years or until the person
8 is evaluated by a substance use disorder agency or probation
9 department pursuant to RCW 46.20.311 and the person completes or is
10 enrolled in a six-month period of 24/7 sobriety program monitoring.
11 In no circumstances shall the license suspension be for less than one
12 year; or

13 (C) Where there have been two or more prior offenses within seven
14 years, be revoked or denied by the department for three years;

15 (ii) **Penalty for alcohol concentration at least 0.15.** If the
16 person's alcohol concentration was at least 0.15:

17 (A) Where there has been no prior offense within seven years, be
18 revoked or denied by the department for one year or until the person
19 is evaluated by a substance use disorder agency or probation
20 department pursuant to RCW 46.20.311 and the person completes or is
21 enrolled in a one hundred twenty day period of 24/7 sobriety program
22 monitoring. In no circumstances shall the license revocation be for
23 fewer than four days;

24 (B) Where there has been one prior offense within seven years, be
25 revoked or denied by the department for 900 days; or

26 (C) Where there have been two or more prior offenses within seven
27 years, be revoked or denied by the department for four years; or

28 (iii) **Penalty for refusing to take test.** If by reason of the
29 person's refusal to take a test offered under RCW 46.20.308, there is
30 no test result indicating the person's alcohol concentration:

31 (A) Where there have been no prior offenses within seven years,
32 be revoked or denied by the department for two years;

33 (B) Where there has been one prior offense within seven years, be
34 revoked or denied by the department for three years; or

35 (C) Where there have been two or more previous offenses within
36 seven years, be revoked or denied by the department for four years.

37 (b) (i) The department shall grant credit on a day-for-day basis
38 for a suspension, revocation, or denial imposed under this subsection
39 (9) for any portion of a suspension, revocation, or denial already
40 served under RCW 46.20.3101 arising out of the same incident.

1 (ii) If a person has already served a suspension, revocation, or
2 denial under RCW 46.20.3101 for a period equal to or greater than the
3 period imposed under this subsection (9), the department shall
4 provide notice of full credit, shall provide for no further
5 suspension or revocation under this subsection provided the person
6 has completed the requirements under RCW 46.20.311 and paid the
7 probationary license fee under RCW 46.20.355 by the date specified in
8 the notice under RCW 46.20.245, and shall impose no additional
9 reissue fees for this credit.

10 (c) Upon receipt of a notice from the court under RCW 36.28A.390
11 that a participant has been removed from a 24/7 sobriety program, the
12 department must resume any suspension, revocation, or denial that had
13 been terminated early under this subsection due to participation in
14 the program, granting credit on a day-for-day basis for any portion
15 of a suspension, revocation, or denial already served under RCW
16 46.20.3101 or this section arising out of the same incident.

17 (d) Upon its own motion or upon motion by a person, a court may
18 find, on the record, that notice to the department under RCW
19 46.20.270 has been delayed for three years or more as a result of a
20 clerical or court error. If so, the court may order that the person's
21 license, permit, or nonresident privilege shall not be revoked,
22 suspended, or denied for that offense. The court shall send notice of
23 the finding and order to the department and to the person. Upon
24 receipt of the notice from the court, the department shall not
25 revoke, suspend, or deny the license, permit, or nonresident
26 privilege of the person for that offense.

27 (e) For purposes of this subsection (9), the department shall
28 refer to the driver's record maintained under RCW 46.52.120 when
29 determining the existence of prior offenses.

30 (10) **Probation of driving privilege.** After expiration of any
31 period of suspension, revocation, or denial of the offender's
32 license, permit, or privilege to drive required by this section, the
33 department shall place the offender's driving privilege in
34 probationary status pursuant to RCW 46.20.355.

35 (11) **Conditions of probation.** (a) In addition to any
36 nonsuspendable and nondeferrable jail sentence required by this
37 section, whenever the court imposes up to 364 days in jail, the court
38 shall also suspend but shall not defer a period of confinement for a
39 period not exceeding five years. The court shall impose conditions of
40 probation that include: (i) Not driving a motor vehicle within this

1 state without a valid license to drive; (ii) not driving a motor
2 vehicle within this state without proof of liability insurance or
3 other financial responsibility for the future pursuant to RCW
4 46.30.020; (iii) not driving or being in physical control of a motor
5 vehicle within this state while having an alcohol concentration of
6 (~~0.08~~) 0.05 or more or a THC concentration of 5.00 nanograms per
7 milliliter of whole blood or higher, within two hours after driving;
8 (iv) not refusing to submit to a test of his or her breath or blood
9 to determine alcohol or drug concentration upon request of a law
10 enforcement officer who has reasonable grounds to believe the person
11 was driving or was in actual physical control of a motor vehicle
12 within this state while under the influence of intoxicating liquor or
13 drug; and (v) not driving a motor vehicle in this state without a
14 functioning ignition interlock device as required by the department
15 under RCW 46.20.720. The court may impose conditions of probation
16 that include nonrepetition, installation of an ignition interlock
17 device on the probationer's motor vehicle, substance use disorder
18 treatment, supervised probation, or other conditions that may be
19 appropriate. The sentence may be imposed in whole or in part upon
20 violation of a condition of probation during the suspension period.

21 (b) For each violation of mandatory conditions of probation under
22 (a)(i), (ii), (iii), (iv), or (v) of this subsection, the court shall
23 order the convicted person to be confined for 30 days, which shall
24 not be suspended or deferred.

25 (c)(i) Except as provided in (c)(ii) of this subsection, for each
26 incident involving a violation of a mandatory condition of probation
27 imposed under this subsection, the license, permit, or privilege to
28 drive of the person shall be suspended by the court for 30 days or,
29 if such license, permit, or privilege to drive already is suspended,
30 revoked, or denied at the time the finding of probation violation is
31 made, the suspension, revocation, or denial then in effect shall be
32 extended by 30 days. The court shall notify the department of any
33 suspension, revocation, or denial or any extension of a suspension,
34 revocation, or denial imposed under this subsection. The person may
35 apply for an ignition interlock driver's license under RCW 46.20.385
36 during the suspension period.

37 (ii) For each incident involving a violation of RCW
38 46.20.342(1)(c), the court has discretion not to impose a suspension
39 when the person provides the court with proof that the violation has

1 been cured within 30 days. The court is not required to notify the
2 department of the violation unless it is not cured within 30 days.

3 (12) **Waiver of electronic home monitoring.** A court may waive the
4 electronic home monitoring requirements of this chapter when:

5 (a) The offender does not have a dwelling, telephone service, or
6 any other necessity to operate an electronic home monitoring system.
7 However, if a court determines that an alcohol monitoring device
8 utilizing wireless reporting technology is reasonably available, the
9 court may require the person to obtain such a device during the
10 period of required electronic home monitoring;

11 (b) The offender does not reside in the state of Washington; or

12 (c) The court determines that there is reason to believe that the
13 offender would violate the conditions of the electronic home
14 monitoring penalty.

15 Whenever the mandatory minimum term of electronic home monitoring
16 is waived, the court shall state in writing the reason for granting
17 the waiver and the facts upon which the waiver is based, and shall
18 impose an alternative sentence with similar punitive consequences.
19 The alternative sentence may include, but is not limited to, use of
20 an ignition interlock device, the 24/7 sobriety program monitoring,
21 additional jail time, work crew, or work camp.

22 Whenever the combination of jail time and electronic home
23 monitoring or alternative sentence would exceed 364 days, the
24 offender shall serve the jail portion of the sentence first, and the
25 electronic home monitoring or alternative portion of the sentence
26 shall be reduced so that the combination does not exceed 364 days.

27 (13) **Extraordinary medical placement.** An offender serving a
28 sentence under this section, whether or not a mandatory minimum term
29 has expired, may be granted an extraordinary medical placement by the
30 jail administrator subject to the standards and limitations set forth
31 in RCW 9.94A.728(1)(c).

32 (14) **Definitions.** For purposes of this section and RCW 46.61.502
33 and 46.61.504:

34 (a) A "prior offense" means any of the following:

35 (i) A conviction for a violation of RCW 46.61.502 or an
36 equivalent local ordinance;

37 (ii) A conviction for a violation of RCW 46.61.504 or an
38 equivalent local ordinance;

39 (iii) A conviction for a violation of RCW 46.25.110 or an
40 equivalent local ordinance;

1 (iv) A conviction for a violation of RCW 79A.60.040(2) or an
2 equivalent local ordinance;

3 (v) A conviction for a violation of RCW 79A.60.040(1) or an
4 equivalent local ordinance committed in a reckless manner if the
5 conviction is the result of a charge that was originally filed as a
6 violation of RCW 79A.60.040(2) or an equivalent local ordinance;

7 (vi) A conviction for a violation of RCW 47.68.220 or an
8 equivalent local ordinance committed while under the influence of
9 intoxicating liquor or any drug;

10 (vii) A conviction for a violation of RCW 47.68.220 or an
11 equivalent local ordinance committed in a careless or reckless manner
12 if the conviction is the result of a charge that was originally filed
13 as a violation of RCW 47.68.220 or an equivalent local ordinance
14 while under the influence of intoxicating liquor or any drug;

15 (viii) A conviction for a violation of RCW 46.09.470(2) or an
16 equivalent local ordinance;

17 (ix) A conviction for a violation of RCW 46.10.490(2) or an
18 equivalent local ordinance;

19 (x) A conviction for a violation of RCW 46.61.520 committed while
20 under the influence of intoxicating liquor or any drug, or a
21 conviction for a violation of RCW 46.61.520 committed in a reckless
22 manner or with the disregard for the safety of others if the
23 conviction is the result of a charge that was originally filed as a
24 violation of RCW 46.61.520 committed while under the influence of
25 intoxicating liquor or any drug;

26 (xi) A conviction for a violation of RCW 46.61.522 committed
27 while under the influence of intoxicating liquor or any drug, or a
28 conviction for a violation of RCW 46.61.522 committed in a reckless
29 manner or with the disregard for the safety of others if the
30 conviction is the result of a charge that was originally filed as a
31 violation of RCW 46.61.522 committed while under the influence of
32 intoxicating liquor or any drug;

33 (xii) A conviction for a violation of RCW 46.61.5249, 46.61.500,
34 or 9A.36.050 or an equivalent local ordinance, if the conviction is
35 the result of a charge that was originally filed as a violation of
36 RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of
37 RCW 46.61.520 or 46.61.522;

38 (xiii) An out-of-state conviction for a violation that would have
39 been a violation of (a)(i), (ii), (x), (xi), or (xii) of this
40 subsection if committed in this state;

1 (xiv) A deferred prosecution under chapter 10.05 RCW granted in a
2 prosecution for a violation of RCW 46.61.502, 46.61.504, or an
3 equivalent local ordinance;

4 (xv) A deferred prosecution under chapter 10.05 RCW granted in a
5 prosecution for a violation of RCW 46.61.5249, or an equivalent local
6 ordinance, if the charge under which the deferred prosecution was
7 granted was originally filed as a violation of RCW 46.61.502 or
8 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or
9 46.61.522;

10 (xvi) A deferred prosecution granted in another state for a
11 violation of driving or having physical control of a vehicle while
12 under the influence of intoxicating liquor or any drug if the out-of-
13 state deferred prosecution is equivalent to the deferred prosecution
14 under chapter 10.05 RCW, including a requirement that the defendant
15 participate in a chemical dependency treatment program; or

16 (xvii) A deferred sentence imposed in a prosecution for a
17 violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an
18 equivalent local ordinance, if the charge under which the deferred
19 sentence was imposed was originally filed as a violation of RCW
20 46.61.502 or 46.61.504, or an equivalent local ordinance, or a
21 violation of RCW 46.61.520 or 46.61.522;

22 If a deferred prosecution is revoked based on a subsequent
23 conviction for an offense listed in this subsection (14)(a), the
24 subsequent conviction shall not be treated as a prior offense of the
25 revoked deferred prosecution for the purposes of sentencing;

26 (b) "Treatment" means substance use disorder treatment licensed
27 or certified by the department of health;

28 (c) "Within seven years" means that the arrest for a prior
29 offense occurred within seven years before or after the arrest for
30 the current offense; and

31 (d) "Within 15 years" means that the arrest for a prior offense
32 occurred within 15 years before or after the arrest for the current
33 offense.

34 (15) All fines imposed by this section apply to adult offenders
35 only.

36 **Sec. 5.** RCW 46.61.506 and 2020 c 80 s 33 are each amended to
37 read as follows:

38 (1) Upon the trial of any civil or criminal action or proceeding
39 arising out of acts alleged to have been committed by any person

1 while driving or in actual physical control of a vehicle while under
2 the influence of intoxicating liquor or any drug, if the person's
3 alcohol concentration is less than (~~(0.08)~~) 0.05 or the person's THC
4 concentration is less than 5.00, it is evidence that may be
5 considered with other competent evidence in determining whether the
6 person was under the influence of intoxicating liquor or any drug.

7 (2) (a) The breath analysis of the person's alcohol concentration
8 shall be based upon grams of alcohol per (~~(two hundred ten)~~) 210
9 liters of breath.

10 (b) The blood analysis of the person's THC concentration shall be
11 based upon nanograms per milliliter of whole blood.

12 (c) The foregoing provisions of this section shall not be
13 construed as limiting the introduction of any other competent
14 evidence bearing upon the question whether the person was under the
15 influence of intoxicating liquor or any drug.

16 (3) Analysis of the person's blood or breath to be considered
17 valid under the provisions of this section or RCW 46.61.502 or
18 46.61.504 shall have been performed according to methods approved by
19 the state toxicologist and by an individual possessing a valid permit
20 issued by the state toxicologist for this purpose. The state
21 toxicologist is directed to approve satisfactory techniques or
22 methods, to supervise the examination of individuals to ascertain
23 their qualifications and competence to conduct such analyses, and to
24 issue permits which shall be subject to termination or revocation at
25 the discretion of the state toxicologist.

26 (4) (a) A breath test performed by any instrument approved by the
27 state toxicologist shall be admissible at trial or in an
28 administrative proceeding if the prosecution or department produces
29 prima facie evidence of the following:

30 (i) The person who performed the test was authorized to perform
31 such test by the state toxicologist;

32 (ii) The person being tested did not vomit or have anything to
33 eat, drink, or smoke for at least (~~(fifteen)~~) 15 minutes prior to
34 administration of the test;

35 (iii) The person being tested did not have any foreign
36 substances, not to include dental work or piercings, fixed or
37 removable, in his or her mouth at the beginning of the (~~(fifteen-~~
38 ~~minute)~~) 15-minute observation period;

39 (iv) Prior to the start of the test, the temperature of any
40 liquid simulator solution utilized as an external standard, as

1 measured by a thermometer approved of by the state toxicologist was
2 (~~thirty-four~~) 34 degrees centigrade plus or minus 0.3 degrees
3 centigrade;

4 (v) The internal standard test resulted in the message
5 "verified";

6 (vi) The two breath samples agree to within plus or minus (~~ten~~)
7 10 percent of their mean to be determined by the method approved by
8 the state toxicologist;

9 (vii) The result of the test of the liquid simulator solution
10 external standard or dry gas external standard result did lie between
11 (~~.072 to .088~~) .045 to .055 inclusive; and

12 (viii) All blank tests gave results of .000.

13 (b) For purposes of this section, "prima facie evidence" is
14 evidence of sufficient circumstances that would support a logical and
15 reasonable inference of the facts sought to be proved. In assessing
16 whether there is sufficient evidence of the foundational facts, the
17 court or administrative tribunal is to assume the truth of the
18 prosecution's or department's evidence and all reasonable inferences
19 from it in a light most favorable to the prosecution or department.

20 (c) Nothing in this section shall be deemed to prevent the
21 subject of the test from challenging the reliability or accuracy of
22 the test, the reliability or functioning of the instrument, or any
23 maintenance procedures. Such challenges, however, shall not preclude
24 the admissibility of the test once the prosecution or department has
25 made a prima facie showing of the requirements contained in (a) of
26 this subsection. Instead, such challenges may be considered by the
27 trier of fact in determining what weight to give to the test result.

28 (5) When a blood test is administered under the provisions of RCW
29 46.20.308, the withdrawal of blood for the purpose of determining its
30 alcohol or drug content may be performed only by a physician licensed
31 under chapter 18.71 RCW; an osteopathic physician licensed under
32 chapter 18.57 RCW; a registered nurse, licensed practical nurse, or
33 advanced registered nurse practitioner licensed under chapter 18.79
34 RCW; a physician assistant licensed under chapter 18.71A RCW; an
35 advanced emergency medical technician or paramedic certified under
36 chapter 18.71 RCW; or a medical assistant-certified or medical
37 assistant-phlebotomist certified under chapter 18.360 RCW, a person
38 holding another credential under Title 18 RCW whose scope of practice
39 includes performing venous blood draws, or a forensic phlebotomist
40 certified under chapter 18.360 RCW. When the blood test is performed

1 outside the state of Washington, the withdrawal of blood for the
2 purpose of determining its alcohol or drug content may be performed
3 by any person who is authorized by the out-of-state jurisdiction to
4 perform venous blood draws. Proof of qualification to draw blood may
5 be established through the department of health's provider credential
6 search. This limitation shall not apply to the taking of breath
7 specimens.

8 (6) When a venous blood sample is performed by a forensic
9 phlebotomist certified under chapter 18.360 RCW, it must be done
10 under the following conditions:

11 (a) If taken at the scene, it must be performed in an ambulance
12 or aid service vehicle licensed by the department of health under
13 chapter 18.73 RCW.

14 (b) The collection of blood samples must not interfere with the
15 provision of essential medical care.

16 (c) The blood sample must be collected using sterile equipment
17 and the skin area of puncture must be thoroughly cleansed and
18 disinfected.

19 (d) The person whose blood is collected must be seated, reclined,
20 or lying down when the blood is collected.

21 (7) The person tested may have a licensed or certified health
22 care provider listed in subsection (5) of this section, or a
23 qualified technician, chemist, or other qualified person of his or
24 her own choosing administer one or more tests in addition to any
25 administered at the direction of a law enforcement officer. The test
26 will be admissible if the person establishes the general
27 acceptability of the testing technique or method. The failure or
28 inability to obtain an additional test by a person shall not preclude
29 the admission of evidence relating to the test or tests taken at the
30 direction of a law enforcement officer.

31 (8) Upon the request of the person who shall submit to a test or
32 tests at the request of a law enforcement officer, full information
33 concerning the test or tests shall be made available to him or her or
34 his or her attorney.

35 **Sec. 6.** RCW 46.20.308 and 2022 c 16 s 38 are each amended to
36 read as follows:

37 (1) Any person who operates a motor vehicle within this state is
38 deemed to have given consent, subject to the provisions of RCW
39 46.61.506, to a test or tests of his or her breath for the purpose of

1 determining the alcohol concentration in his or her breath if
2 arrested for any offense where, at the time of the arrest, the
3 arresting officer has reasonable grounds to believe the person had
4 been driving or was in actual physical control of a motor vehicle
5 while under the influence of intoxicating liquor or any drug or was
6 in violation of RCW 46.61.503.

7 (2) The test or tests of breath shall be administered at the
8 direction of a law enforcement officer having reasonable grounds to
9 believe the person to have been driving or in actual physical control
10 of a motor vehicle within this state while under the influence of
11 intoxicating liquor or any drug or the person to have been driving or
12 in actual physical control of a motor vehicle while having alcohol in
13 a concentration in violation of RCW 46.61.503 in his or her system
14 and being under the age of (~~twenty-one~~) 21. Prior to administering
15 a breath test pursuant to this section, the officer shall inform the
16 person of his or her right under this section to refuse the breath
17 test, and of his or her right to have additional tests administered
18 by any qualified person of his or her choosing as provided in RCW
19 46.61.506. The officer shall warn the driver, in substantially the
20 following language, that:

21 (a) If the driver refuses to take the test, the driver's license,
22 permit, or privilege to drive will be revoked or denied for at least
23 one year; and

24 (b) If the driver refuses to take the test, the driver's refusal
25 to take the test may be used in a criminal trial; and

26 (c) If the driver submits to the test and the test is
27 administered, the driver's license, permit, or privilege to drive
28 will be suspended, revoked, or denied for at least (~~ninety~~) 90 days
29 if:

30 (i) The driver is age (~~twenty-one~~) 21 or over and the test
31 indicates either that the alcohol concentration of the driver's
32 breath is (~~0.08~~) 0.05 or more; or

33 (ii) The driver is under age (~~twenty-one~~) 21 and the test
34 indicates either that the alcohol concentration of the driver's
35 breath is 0.02 or more; or

36 (iii) The driver is under age (~~twenty-one~~) 21 and the driver is
37 in violation of RCW 46.61.502 or 46.61.504; and

38 (d) If the driver's license, permit, or privilege to drive is
39 suspended, revoked, or denied the driver may be eligible to
40 immediately apply for an ignition interlock driver's license.

1 (3) If, following his or her arrest and receipt of warnings under
2 subsection (2) of this section, the person arrested exercises the
3 right, granted herein, by refusing upon the request of a law
4 enforcement officer to submit to a test or tests of his or her
5 breath, no test shall be given except as otherwise authorized by law.

6 (4) Nothing in subsection (1), (2), or (3) of this section
7 precludes a law enforcement officer from obtaining a person's blood
8 to test for alcohol, cannabis, or any drug, pursuant to a search
9 warrant, a valid waiver of the warrant requirement, when exigent
10 circumstances exist, or under any other authority of law. Any blood
11 drawn for the purpose of determining the person's alcohol, cannabis
12 levels, or any drug, is drawn pursuant to this section when the
13 officer has reasonable grounds to believe that the person is in
14 physical control or driving a vehicle under the influence or in
15 violation of RCW 46.61.503.

16 (5) If, after arrest and after any other applicable conditions
17 and requirements of this section have been satisfied, a test or tests
18 of the person's blood or breath is administered and the test results
19 indicate that the alcohol concentration of the person's breath or
20 blood is ~~((0.08))~~ 0.05 or more, or the THC concentration of the
21 person's blood is 5.00 or more, if the person is age ~~((twenty-one))~~
22 21 or over, or that the alcohol concentration of the person's breath
23 or blood is 0.02 or more, or the THC concentration of the person's
24 blood is above 0.00, if the person is under the age of ~~((twenty-one))~~
25 21, or the person refuses to submit to a test, the arresting officer
26 or other law enforcement officer at whose direction any test has been
27 given, or the department, where applicable, if the arrest results in
28 a test of the person's blood, shall:

29 (a) Serve notice in writing on the person on behalf of the
30 department of its intention to suspend, revoke, or deny the person's
31 license, permit, or privilege to drive as required by subsection (6)
32 of this section;

33 (b) Serve notice in writing on the person on behalf of the
34 department of his or her right to a hearing, specifying the steps he
35 or she must take to obtain a hearing as provided by subsection (7) of
36 this section;

37 (c) Serve notice in writing that the license or permit, if any,
38 is a temporary license that is valid for ~~((thirty))~~ 30 days from the
39 date of arrest or from the date notice has been given in the event
40 notice is given by the department following a blood test, or until

1 the suspension, revocation, or denial of the person's license,
2 permit, or privilege to drive is sustained at a hearing pursuant to
3 subsection (7) of this section, whichever occurs first. No temporary
4 license is valid to any greater degree than the license or permit
5 that it replaces; and

6 (d) Immediately notify the department of the arrest and transmit
7 to the department within (~~(seventy-two)~~) 72 hours, except as delayed
8 as the result of a blood test, a sworn report or report under a
9 declaration authorized by chapter 5.50 RCW that states:

10 (i) That the officer had reasonable grounds to believe the
11 arrested person had been driving or was in actual physical control of
12 a motor vehicle within this state while under the influence of
13 intoxicating liquor or drugs, or both, or was under the age of
14 (~~(twenty-one)~~) 21 years and had been driving or was in actual
15 physical control of a motor vehicle while having an alcohol or THC
16 concentration in violation of RCW 46.61.503;

17 (ii) That after receipt of any applicable warnings required by
18 subsection (2) of this section the person refused to submit to a test
19 of his or her breath, or a test was administered and the results
20 indicated that the alcohol concentration of the person's breath or
21 blood was (~~(0.08)~~) 0.05 or more, or the THC concentration of the
22 person's blood was 5.00 or more, if the person is age (~~(twenty-one)~~)
23 21 or over, or that the alcohol concentration of the person's breath
24 or blood was 0.02 or more, or the THC concentration of the person's
25 blood was above 0.00, if the person is under the age of (~~(twenty-~~
26 ~~one)~~) 21; and

27 (iii) Any other information that the director may require by
28 rule.

29 (6) The department of licensing, upon the receipt of a sworn
30 report or report under a declaration authorized by chapter 5.50 RCW
31 under subsection (5)(d) of this section, shall suspend, revoke, or
32 deny the person's license, permit, or privilege to drive or any
33 nonresident operating privilege, as provided in RCW 46.20.3101, such
34 suspension, revocation, or denial to be effective beginning thirty
35 days from the date of arrest or from the date notice has been given
36 in the event notice is given by the department following a blood
37 test, or when sustained at a hearing pursuant to subsection (7) of
38 this section, whichever occurs first.

39 (7) A person receiving notification under subsection (5)(b) of
40 this section may, within seven days after the notice has been given,

1 request in writing a formal hearing before the department. The person
2 shall pay a fee of (~~three hundred seventy-five dollars~~) \$375 as
3 part of the request. If the request is mailed, it must be postmarked
4 within seven days after receipt of the notification. Upon timely
5 receipt of such a request for a formal hearing, including receipt of
6 the required (~~three hundred seventy-five dollar~~) \$375 fee, the
7 department shall afford the person an opportunity for a hearing. The
8 department may waive the required (~~three hundred seventy-five~~
9 ~~dollar~~) \$375 fee if the person is an indigent as defined in RCW
10 10.101.010. Except as otherwise provided in this section, the hearing
11 is subject to and shall be scheduled and conducted in accordance with
12 RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the
13 county of the arrest, except that all or part of the hearing may, at
14 the discretion of the department, be conducted by telephone or other
15 electronic means. The hearing shall be held within (~~thirty~~) 30
16 days, excluding Saturdays, Sundays, and legal holidays, following the
17 date of timely receipt of such request for a formal hearing before
18 the department or (~~thirty~~) 30 days, excluding Saturdays, Sundays,
19 and legal holidays following the date notice has been given in the
20 event notice is given by the department following a blood test,
21 unless otherwise agreed to by the department and the person, in which
22 case the action by the department shall be stayed, and any valid
23 temporary license under subsection (5) of this section extended, if
24 the person is otherwise eligible for licensing. Unless otherwise
25 agreed to by the department and the person, the department must give
26 five days notice of the hearing to the person. For the purposes of
27 this section, the scope of the hearing shall cover the issues of
28 whether a law enforcement officer had reasonable grounds to believe
29 the person had been driving or was in actual physical control of a
30 motor vehicle within this state while under the influence of
31 intoxicating liquor or any drug or had been driving or was in actual
32 physical control of a motor vehicle within this state while having
33 alcohol in his or her system in a concentration of 0.02 or more, or
34 THC in his or her system in a concentration above 0.00, if the person
35 was under the age of (~~twenty-one~~) 21, whether the person was placed
36 under arrest, and (a) whether the person refused to submit to the
37 test or tests upon request of the officer after having been informed
38 that such refusal would result in the revocation of the person's
39 license, permit, or privilege to drive, or (b) if a test or tests
40 were administered, whether the applicable requirements of this

1 section were satisfied before the administration of the test or
2 tests, whether the person submitted to the test or tests, or whether
3 a test was administered pursuant to a search warrant, a valid waiver
4 of the warrant requirement, when exigent circumstances exist, or
5 under any other authority of law as permitted under this section, and
6 whether the test or tests indicated that the alcohol concentration of
7 the person's breath or blood was (~~(0.08)~~) 0.05 or more, or the THC
8 concentration of the person's blood was 5.00 or more, if the person
9 was age (~~(twenty-one)~~) 21 or over at the time of the arrest, or that
10 the alcohol concentration of the person's breath or blood was 0.02 or
11 more, or the THC concentration of the person's blood was above 0.00,
12 if the person was under the age of (~~(twenty-one)~~) 21 at the time of
13 the arrest. Where a person is found to be in actual physical control
14 of a motor vehicle while under the influence of intoxicating liquor
15 or any drug or was under the age of (~~(twenty-one)~~) 21 at the time of
16 the arrest and was in physical control of a motor vehicle while
17 having alcohol in his or her system in a concentration of 0.02 or THC
18 concentration above 0.00, the person may petition the hearing officer
19 to apply the affirmative defense found in RCW 46.61.504(3) and
20 46.61.503(2). The driver has the burden to prove the affirmative
21 defense by a preponderance of the evidence. The sworn report or
22 report under a declaration authorized by chapter 5.50 RCW submitted
23 by a law enforcement officer is prima facie evidence that the officer
24 had reasonable grounds to believe the person had been driving or was
25 in actual physical control of a motor vehicle within this state while
26 under the influence of intoxicating liquor or drugs, or both, or the
27 person had been driving or was in actual physical control of a motor
28 vehicle within this state while having alcohol in his or her system
29 in a concentration of 0.02 or more, or THC in his or her system in a
30 concentration above 0.00, and was under the age of (~~(twenty-one)~~) 21
31 and that the officer complied with the requirements of this section.

32 A hearing officer shall conduct the hearing, may issue subpoenas
33 for the attendance of witnesses and the production of documents, and
34 shall administer oaths to witnesses. The hearing officer shall not
35 issue a subpoena for the attendance of a witness at the request of
36 the person unless the request is accompanied by the fee required by
37 RCW 5.56.010 for a witness in district court. No witness fee is
38 required if the witness was a law enforcement officer who wrote a
39 report submitted under this section. The sworn report or report under
40 a declaration authorized by chapter 5.50 RCW of the law enforcement

1 officer and any other evidence accompanying the report shall be
2 admissible without further evidentiary foundation and the
3 certifications authorized by the criminal rules for courts of limited
4 jurisdiction shall be admissible without further evidentiary
5 foundation. The person may be represented by counsel, may question
6 witnesses, may present evidence, and may testify. The department
7 shall order that the suspension, revocation, or denial either be
8 rescinded or sustained.

9 (8) If the suspension, revocation, or denial is sustained after
10 such a hearing, the person whose license, privilege, or permit is
11 suspended, revoked, or denied has the right to file a petition in the
12 superior court of the county of arrest to review the final order of
13 revocation by the department in the same manner as an appeal from a
14 decision of a court of limited jurisdiction. Notice of appeal must be
15 filed within (~~thirty~~) 30 days after the date the final order is
16 served or the right to appeal is waived. Notwithstanding RCW
17 46.20.334, RALJ 1.1, or other statutes or rules referencing de novo
18 review, the appeal shall be limited to a review of the record of the
19 administrative hearing. The appellant must pay the costs associated
20 with obtaining the record of the hearing before the hearing officer.
21 The filing of the appeal does not stay the effective date of the
22 suspension, revocation, or denial. A petition filed under this
23 subsection must include the petitioner's grounds for requesting
24 review. Upon granting petitioner's request for review, the court
25 shall review the department's final order of suspension, revocation,
26 or denial as expeditiously as possible. The review must be limited to
27 a determination of whether the department has committed any errors of
28 law. The superior court shall accept those factual determinations
29 supported by substantial evidence in the record: (a) That were
30 expressly made by the department; or (b) that may reasonably be
31 inferred from the final order of the department. The superior court
32 may reverse, affirm, or modify the decision of the department or
33 remand the case back to the department for further proceedings. The
34 decision of the superior court must be in writing and filed in the
35 clerk's office with the other papers in the case. The court shall
36 state the reasons for the decision. If judicial relief is sought for
37 a stay or other temporary remedy from the department's action, the
38 court shall not grant such relief unless the court finds that the
39 appellant is likely to prevail in the appeal and that without a stay
40 the appellant will suffer irreparable injury. If the court stays the

1 suspension, revocation, or denial it may impose conditions on such
2 stay.

3 (9) (a) If a person whose driver's license, permit, or privilege
4 to drive has been or will be suspended, revoked, or denied under
5 subsection (6) of this section, other than as a result of a breath
6 test refusal, and who has not committed an offense for which he or
7 she was granted a deferred prosecution under chapter 10.05 RCW,
8 petitions a court for a deferred prosecution on criminal charges
9 arising out of the arrest for which action has been or will be taken
10 under subsection (6) of this section, or notifies the department of
11 licensing of the intent to seek such a deferred prosecution, then the
12 license suspension or revocation shall be stayed pending entry of the
13 deferred prosecution. The stay shall not be longer than (~~one hundred~~
14 ~~fifty~~) 150 days after the date charges are filed, or two years after
15 the date of the arrest, whichever time period is shorter. If the
16 court stays the suspension, revocation, or denial, it may impose
17 conditions on such stay. If the person is otherwise eligible for
18 licensing, the department shall issue a temporary license, or extend
19 any valid temporary license under subsection (5) of this section, for
20 the period of the stay. If a deferred prosecution treatment plan is
21 not recommended in the report made under RCW 10.05.050, or if
22 treatment is rejected by the court, or if the person declines to
23 accept an offered treatment plan, or if the person violates any
24 condition imposed by the court, then the court shall immediately
25 direct the department to cancel the stay and any temporary license or
26 extension of a temporary license issued under this subsection.

27 (b) A suspension, revocation, or denial imposed under this
28 section, other than as a result of a breath test refusal, shall be
29 stayed if the person is accepted for deferred prosecution as provided
30 in chapter 10.05 RCW for the incident upon which the suspension,
31 revocation, or denial is based. If the deferred prosecution is
32 terminated, the stay shall be lifted and the suspension, revocation,
33 or denial reinstated. If the deferred prosecution is completed, the
34 stay shall be lifted and the suspension, revocation, or denial
35 canceled.

36 (c) The provisions of (b) of this subsection relating to a stay
37 of a suspension, revocation, or denial and the cancellation of any
38 suspension, revocation, or denial do not apply to the suspension,
39 revocation, denial, or disqualification of a person's commercial
40 driver's license or privilege to operate a commercial motor vehicle.

1 (10) When it has been finally determined under the procedures of
2 this section that a nonresident's privilege to operate a motor
3 vehicle in this state has been suspended, revoked, or denied, the
4 department shall give information in writing of the action taken to
5 the motor vehicle administrator of the state of the person's
6 residence and of any state in which he or she has a license.

7 **Sec. 7.** RCW 46.20.3101 and 2020 c 330 s 6 are each amended to
8 read as follows:

9 Pursuant to RCW 46.20.308, the department shall suspend, revoke,
10 or deny the arrested person's license, permit, or privilege to drive
11 as follows:

12 (1) In the case of a person who has refused a test or tests:

13 (a) For a first refusal within seven years, where there has not
14 been a previous incident within seven years that resulted in
15 administrative action under this section, revocation or denial for
16 one year;

17 (b) For a second or subsequent refusal within seven years, or for
18 a first refusal where there has been one or more previous incidents
19 within seven years that have resulted in administrative action under
20 this section, revocation or denial for two years or until the person
21 reaches age (~~(twenty-one)~~) 21, whichever is longer.

22 (2) In the case of an incident where a person has submitted to or
23 been administered a test or tests indicating that the alcohol
24 concentration of the person's breath or blood was (~~(0.08)~~) 0.05 or
25 more, or that the THC concentration of the person's blood was 5.00 or
26 more:

27 (a) For a first incident within seven years, where there has not
28 been a previous incident within seven years that resulted in
29 administrative action under this section, suspension for (~~(ninety)~~)
30 90 days, unless the person successfully completes or is enrolled in a
31 pretrial 24/7 sobriety program;

32 (b) For a second or subsequent incident within seven years,
33 revocation or denial for two years.

34 (3) In the case of an incident where a person under age (~~(twenty-~~
35 ~~one)~~) 21 has submitted to or been administered a test or tests
36 indicating that the alcohol concentration of the person's breath or
37 blood was 0.02 or more, or that the THC concentration of the person's
38 blood was above 0.00:

1 (a) For a first incident within seven years, suspension or denial
2 for (~~ninety~~) 90 days;

3 (b) For a second or subsequent incident within seven years,
4 revocation or denial for one year or until the person reaches age
5 (~~twenty-one~~) 21, whichever is longer.

6 (4) The department shall grant credit on a day-for-day basis for
7 a suspension, revocation, or denial imposed under this section for
8 any portion of a suspension, revocation, or denial already served
9 under RCW 46.61.5055 arising out of the same incident. If a person
10 has already served a suspension, revocation, or denial under RCW
11 46.61.5055 for a period equal to or greater than the period imposed
12 under this section, the department shall provide notice of full
13 credit, shall provide for no further suspension or revocation under
14 this section, and shall impose no additional reissue fees for this
15 credit.

16 **Sec. 8.** RCW 46.61.500 and 2020 c 330 s 14 are each amended to
17 read as follows:

18 (1) Any person who drives any vehicle in willful or wanton
19 disregard for the safety of persons or property is guilty of reckless
20 driving. Violation of the provisions of this section is a gross
21 misdemeanor punishable by imprisonment for up to (~~three hundred~~
22 ~~sixty-four~~) 364 days and by a fine of not more than (~~five thousand~~
23 ~~dollars~~) \$5,000.

24 (2)(a) Subject to (b) of this subsection, the license or permit
25 to drive or any nonresident privilege of any person convicted of
26 reckless driving shall be suspended by the department for not less
27 than (~~thirty~~) 30 days.

28 (b) When a reckless driving conviction is a result of a charge
29 that was originally filed as a violation of RCW 46.61.502 or
30 46.61.504, or an equivalent local ordinance, the department shall
31 grant credit on a day-for-day basis for any portion of a suspension,
32 revocation, or denial already served under an administrative action
33 arising out of the same incident. In the case of a person whose day-
34 for-day credit is for a period equal to or greater than the period of
35 suspension required under this section, the department shall provide
36 notice of full credit, shall provide for no further suspension under
37 this section, and shall impose no additional reissue fees for this
38 credit. During any period of suspension, revocation, or denial due to
39 a conviction for reckless driving as the result of a charge

1 originally filed as a violation of RCW 46.61.502 or 46.61.504, any
2 person who has obtained an ignition interlock driver's license under
3 RCW 46.20.385 may continue to drive a motor vehicle pursuant to the
4 provision of the ignition interlock driver's license without
5 obtaining a separate temporary restricted driver's license under RCW
6 46.20.391.

7 (3) (a) Except as provided under (b) of this subsection, a person
8 convicted of reckless driving who has one or more prior offenses as
9 defined in RCW 46.61.5055(14) within seven years shall be required,
10 under RCW 46.20.720, to install an ignition interlock device on all
11 vehicles operated by the person if the conviction is the result of a
12 charge that was originally filed as a violation of RCW 46.61.502,
13 46.61.504, or an equivalent local ordinance.

14 (b) A person convicted of reckless driving shall be required,
15 under RCW 46.20.720, to install an ignition interlock device on all
16 vehicles operated by the person if the conviction is the result of a
17 charge that was originally filed as a violation of RCW 46.61.520
18 committed while under the influence of intoxicating liquor or any
19 drug or RCW 46.61.522 committed while under the influence of
20 intoxicating liquor or any drug.

21 (4) When a reckless driving conviction is a result of a charge
22 that was originally filed as a violation of RCW 46.61.502 or
23 46.61.504, or an equivalent local ordinance, the court shall order an
24 expanded substance use disorder assessment and treatment, if deemed
25 appropriate by the assessment.

26 **Sec. 9.** RCW 46.61.5249 and 2022 c 16 s 44 are each amended to
27 read as follows:

28 (1) (a) A person is guilty of negligent driving in the first
29 degree if he or she operates a motor vehicle in a manner that is both
30 negligent and endangers or is likely to endanger any person or
31 property, and exhibits the effects of having consumed liquor or
32 cannabis or any drug or exhibits the effects of having inhaled or
33 ingested any chemical, whether or not a legal substance, for its
34 intoxicating or hallucinatory effects.

35 (b) It is an affirmative defense to negligent driving in the
36 first degree by means of exhibiting the effects of having consumed
37 any drug that must be proved by the defendant by a preponderance of
38 the evidence, that the driver has a valid prescription for the drug

1 consumed, and has been consuming it according to the prescription
2 directions and warnings.

3 (c) Negligent driving in the first degree is a misdemeanor.

4 (2) For the purposes of this section:

5 (a) "Negligent" means the failure to exercise ordinary care, and
6 is the doing of some act that a reasonably careful person would not
7 do under the same or similar circumstances or the failure to do
8 something that a reasonably careful person would do under the same or
9 similar circumstances.

10 (b) "Exhibiting the effects of having consumed liquor, cannabis,
11 or any drug" means that a person has the odor of liquor, cannabis, or
12 any drug on his or her breath, or that by speech, manner, appearance,
13 behavior, lack of coordination, or otherwise exhibits that he or she
14 has consumed liquor, cannabis, or any drug, and either:

15 (i) Is in possession of or in close proximity to a container that
16 has or recently had liquor, cannabis, or any drug in it; or

17 (ii) Is shown by other evidence to have recently consumed liquor,
18 cannabis, or any drug.

19 (c) "Exhibiting the effects of having inhaled or ingested any
20 chemical, whether or not a legal substance, for its intoxicating or
21 hallucinatory effects" means that a person by speech, manner,
22 appearance, behavior, or lack of coordination or otherwise exhibits
23 that he or she has inhaled or ingested a chemical and either:

24 (i) Is in possession of the canister or container from which the
25 chemical came; or

26 (ii) Is shown by other evidence to have recently inhaled or
27 ingested a chemical for its intoxicating or hallucinatory effects.

28 (3) Any act prohibited by this section that also constitutes a
29 crime under any other law of this state may be the basis of
30 prosecution under such other law notwithstanding that it may also be
31 the basis for prosecution under this section.

32 (4) A person convicted of negligent driving in the first degree
33 who has one or more prior offenses as defined in RCW 46.61.5055(14)
34 within seven years shall be required, under RCW 46.20.720, to install
35 an ignition interlock device on all vehicles operated by the person.

36 (5) When a conviction for negligent driving in the first degree
37 is a result of a charge that was originally filed as a violation of
38 RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, the
39 court shall order an expanded substance use disorder assessment and
40 treatment, if deemed appropriate by the assessment.

1 **Sec. 10.** RCW 9A.04.080 and 2024 c 298 s 16 and 2024 c 297 s 11
2 are each reenacted and amended to read as follows:

3 (1) Prosecutions for criminal offenses shall not be commenced
4 after the periods prescribed in this section.

5 (a) The following offenses may be prosecuted at any time after
6 their commission:

7 (i) Murder;

8 (ii) Homicide by abuse;

9 (iii) Arson if a death results;

10 (iv) Vehicular homicide;

11 (v) Vehicular assault if a death results;

12 (vi) Hit-and-run injury-accident if a death results (RCW
13 46.52.020(4));

14 (vii) Rape in the first degree (RCW 9A.44.040) if the victim is
15 under the age of sixteen;

16 (viii) Rape in the second degree (RCW 9A.44.050) if the victim is
17 under the age of sixteen;

18 (ix) Rape of a child in the first degree (RCW 9A.44.073);

19 (x) Rape of a child in the second degree (RCW 9A.44.076);

20 (xi) Rape of a child in the third degree (RCW 9A.44.079);

21 (xii) Sexual misconduct with a minor in the first degree (RCW
22 9A.44.093);

23 (xiii) Custodial sexual misconduct in the first degree (RCW
24 9A.44.160);

25 (xiv) Child molestation in the first degree (RCW 9A.44.083);

26 (xv) Child molestation in the second degree (RCW 9A.44.086);

27 (xvi) Child molestation in the third degree (RCW 9A.44.089);

28 (xvii) Sexual exploitation of a minor (RCW 9.68A.040);

29 (xviii) Rape in the first degree (RCW 9A.44.040) if the
30 perpetrator is a first responder as defined in RCW 70.54.430 and if
31 the first responder used the first responder's position to facilitate
32 the commission of the offense;

33 (xix) Rape in the second degree (RCW 9A.44.050) if the
34 perpetrator is a first responder as defined in RCW 70.54.430 and if
35 the first responder used the first responder's position to facilitate
36 the commission of the offense;

37 (xx) Rape in the third degree (RCW 9A.44.060) if the perpetrator
38 is a first responder as defined in RCW 70.54.430 and if the first
39 responder used the first responder's position to facilitate the
40 commission of the offense;

1 (xxi) Trafficking (RCW 9A.40.100) if the victim is under the age
2 of 18;

3 (xxii) Commercial sexual abuse of a minor (RCW 9.68A.100);

4 (xxiii) Promoting commercial sexual abuse of a minor (RCW
5 9.68A.101);

6 (xxiv) Promoting travel for commercial sexual abuse of a minor
7 (RCW 9.68A.102); and

8 (xxv) Permitting commercial sexual abuse of a minor (RCW
9 9.68A.103).

10 (b) Except as provided in (a) of this subsection, the following
11 offenses may not be prosecuted more than 20 years after its
12 commission:

13 (i) Rape in the first degree (RCW 9A.44.040);

14 (ii) Rape in the second degree (RCW 9A.44.050); or

15 (iii) Indecent liberties (RCW 9A.44.100).

16 (c) The following offenses may not be prosecuted more than ten
17 years after its commission:

18 (i) Any felony committed by a public officer if the commission is
19 in connection with the duties of his or her office or constitutes a
20 breach of his or her public duty or a violation of the oath of
21 office;

22 (ii) Arson if no death results;

23 (iii) Rape in the third degree (RCW 9A.44.060);

24 (iv) Attempted murder; or

25 (v) Trafficking under RCW 9A.40.100.

26 (d) A violation of this offense listed in this subsection (1)(d)
27 may be prosecuted up to 10 years after its commission or, if
28 committed against a victim under the age of 18, up to the victim's
29 30th birthday, whichever is later: RCW 9A.64.020 (incest).

30 (e) A violation of RCW 9A.36.170 may be prosecuted up to 10 years
31 after its commission, or if committed against a victim under the age
32 of 18, up to the victim's 28th birthday, whichever is later.

33 (f) The following offenses may not be prosecuted more than six
34 years after its commission or discovery, whichever occurs later:

35 (i) Violations of RCW 9A.82.060 or 9A.82.080;

36 (ii) Any felony violation of chapter 9A.83 RCW;

37 (iii) Any felony violation of chapter 9.35 RCW;

38 (iv) Theft in the first or second degree under chapter 9A.56 RCW
39 when accomplished by color or aid of deception;

40 (v) Theft from a vulnerable adult under RCW 9A.56.400;

1 (vi) Trafficking in stolen property in the first or second degree
2 under chapter 9A.82 RCW in which the stolen property is a motor
3 vehicle or major component part of a motor vehicle as defined in RCW
4 46.80.010; or

5 (vii) Violations of RCW 82.32.290 (2) (a) (iii) or (4).

6 (g) The following offenses may not be prosecuted more than five
7 years after its commission: Any class C felony under chapter 74.09,
8 82.36, or 82.38 RCW.

9 (h) Bigamy may not be prosecuted more than three years after the
10 time specified in RCW 9A.64.010.

11 (i) A violation of RCW 9A.56.030 may not be prosecuted more than
12 three years after the discovery of the offense when the victim is a
13 tax exempt corporation under 26 U.S.C. Sec. 501(c) (3).

14 (j) No other felony may be prosecuted more than three years after
15 its commission; except that in a prosecution under RCW 9A.44.115, if
16 the person who was viewed, photographed, or filmed did not realize at
17 the time that he or she was being viewed, photographed, or filmed,
18 the prosecution must be commenced within two years of the time the
19 person who was viewed or in the photograph or film first learns that
20 he or she was viewed, photographed, or filmed.

21 (k) No gross misdemeanor, except as provided under (e) and (m) of
22 this subsection, may be prosecuted more than two years after its
23 commission.

24 (l) No misdemeanor may be prosecuted more than one year after its
25 commission.

26 (m) A violation of RCW 46.61.502 or 46.61.504 may not be
27 prosecuted more than three years after its commission.

28 (2) The periods of limitation prescribed in subsection (1) of
29 this section do not run during any time when the person charged is
30 not usually and publicly resident within this state.

31 (3) In any prosecution for a sex offense as defined in RCW
32 9.94A.030, the periods of limitation prescribed in subsection (1) of
33 this section run from the date of commission or four years from the
34 date on which the identity of the suspect is conclusively established
35 by deoxyribonucleic acid testing or by photograph as defined in RCW
36 9.68A.011, whichever is later.

37 (4) If, before the end of a period of limitation prescribed in
38 subsection (1) of this section, an indictment has been found or a
39 complaint or an information has been filed, and the indictment,
40 complaint, or information is set aside, then the period of limitation

1 is extended by a period equal to the length of time from the finding
2 or filing to the setting aside.

3 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.59
4 RCW to read as follows:

5 The Washington traffic safety commission shall develop and
6 implement a public information campaign related to the adjustments to
7 the breath or blood alcohol concentration threshold for impaired
8 driving established under this act. In developing and implementing
9 the public information campaign, the commission must:

10 (1) Ensure television, radio, and online advertisements are
11 provided in all areas of the state;

12 (2) Include multiple print advertisements in the largest
13 newspapers in each county;

14 (3) Provide content of the public information campaign in the top
15 nine most significant non-English-speaking languages spoken in the
16 state;

17 (4) Consider equity outcomes on overburdened communities as
18 defined in RCW 70A.02.010; and

19 (5) Ensure that at least 10 percent of the advertisements are
20 developed in conjunction with in-state hospitality stakeholders and
21 educate drivers about safe alternatives to driving while patronizing
22 hospitality businesses.

23 NEW SECTION. **Sec. 12.** A new section is added to chapter 66.44
24 RCW to read as follows:

25 The legislature finds that current civil law relating to civil
26 liability is that a licensed commercial vendor or quasi-commercial
27 vendor owes a duty to third persons not to sell, serve, or furnish
28 alcohol to a person who is apparently under the influence of alcohol,
29 or who is obviously intoxicated. This current civil law is both
30 statutory and also developed in case law. The legislature further
31 finds that civil liability to third persons under the civil law does
32 not depend upon a finding of the blood or breath alcohol
33 concentration. Therefore, nothing in this act shall be construed to
34 change current civil law for civil liability of a licensed commercial
35 vendor or quasi-commercial vendor.

36 NEW SECTION. **Sec. 13.** A new section is added to chapter 66.08
37 RCW to read as follows:

1 (1) The Washington state institute for public policy must conduct
2 an evaluation of the impacts of this act during the first two years
3 of implementation. By October 1, 2027, the institute must submit a
4 report to the appropriate committees of the legislature detailing the
5 results of its evaluation. The evaluation must include, but is not
6 limited to, the impact of this act on:

7 (a) The number of serious and fatal traffic crashes;

8 (b) Driving under the influence arrests and adjudications for
9 driving under the influence offenses;

10 (c) Equity outcomes on overburdened communities as defined in RCW
11 70A.02.010;

12 (d) Sales and other business effects on the hospitality industry
13 in the state; and

14 (e) Sales and other business effects on breweries, wineries, and
15 distilleries in the state.

16 (2) This section expires November 1, 2028.

17 NEW SECTION. **Sec. 14.** This act takes effect July 1, 2026.

--- END ---