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**SENATE BILL 5742**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senator Fortunato

Read first time 02/13/25. Referred to Committee on Law & Justice.

1 AN ACT Relating to impaired driving; amending RCW 46.61.5055;  
2 adding a new section to chapter 66.08 RCW; prescribing penalties;  
3 providing an effective date; and providing an expiration date.

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

5 **Sec. 1.** RCW 46.61.5055 and 2024 c 306 s 31 are each amended to  
6 read as follows:

7 (1) **No prior offenses in seven years.** Except as provided in RCW  
8 46.61.502(6) or 46.61.504(6), a person who is convicted of a  
9 violation of RCW 46.61.502 or 46.61.504 and who has no prior offense  
10 within seven years shall be punished as follows:

11 (a) **Penalty for alcohol concentration less than ((0.15)) 0.10.** In  
12 the case of a person whose alcohol concentration was less than  
13 ((0.15)) 0.10, or for whom for reasons other than the person's  
14 refusal to take a test offered pursuant to RCW 46.20.308 there is no  
15 test result indicating the person's alcohol concentration:

16 (i) By imprisonment for not less than 24 consecutive hours nor  
17 more than 364 days. In lieu of the mandatory minimum term of  
18 imprisonment required under this subsection (1)(a)(i), the court, in  
19 its discretion, may order not less than 15 days of electronic home  
20 monitoring or a 90-day period of 24/7 sobriety program monitoring.  
21 The court may consider the offender's pretrial 24/7 sobriety program

1 monitoring as fulfilling a portion of posttrial sentencing. The  
2 offender shall pay the cost of electronic home monitoring. The county  
3 or municipality in which the penalty is being imposed shall determine  
4 the cost. The court may also require the offender's electronic home  
5 monitoring device or other separate alcohol monitoring device to  
6 include an alcohol detection breathalyzer, and the court may restrict  
7 the amount of alcohol the offender may consume during the time the  
8 offender is on electronic home monitoring; and

9 (ii) By a fine of not less than \$350 nor more than \$5,000. \$350  
10 of the fine may not be suspended unless the court finds the offender  
11 to be indigent; (~~(0.15)~~)

12 (b) **Penalty for alcohol concentration at least 0.10.** In the case  
13 of a person whose alcohol concentration was at least 0.10:

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

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

31 (c) **Penalty for alcohol concentration at least (~~(0.15)~~) 0.12.** In  
32 the case of a person whose alcohol concentration was at least  
33 (~~(0.15)~~) 0.12, or for whom by reason of the person's refusal to take  
34 a test offered pursuant to RCW 46.20.308 there is no test result  
35 indicating the person's alcohol concentration:

36 (i) By imprisonment for not less than 48 consecutive hours nor  
37 more than 364 days. In lieu of the mandatory minimum term of  
38 imprisonment required under this subsection (1)(~~(b)~~) (c)(i), the  
39 court, in its discretion, may order not less than 30 days of  
40 electronic home monitoring or a 120-day period of 24/7 sobriety

1 program monitoring. The court may consider the offender's pretrial  
2 24/7 sobriety program testing as fulfilling a portion of posttrial  
3 sentencing. The offender shall pay the cost of electronic home  
4 monitoring. The county or municipality in which the penalty is being  
5 imposed shall determine the cost. The court may also require the  
6 offender's electronic home monitoring device to include an alcohol  
7 detection breathalyzer or other separate alcohol monitoring device,  
8 and the court may restrict the amount of alcohol the offender may  
9 consume during the time the offender is on electronic home  
10 monitoring; and

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

14 (2) **One prior offense in seven years.** Except as provided in RCW  
15 46.61.502(6) or 46.61.504(6), a person who is convicted of a  
16 violation of RCW 46.61.502 or 46.61.504 and who has one prior offense  
17 within seven years shall be punished as follows:

18 (a) **Penalty for alcohol concentration less than ((0.15)) 0.10.** In  
19 the case of a person whose alcohol concentration was less than  
20 ((0.15)) 0.10, or for whom for reasons other than the person's  
21 refusal to take a test offered pursuant to RCW 46.20.308 there is no  
22 test result indicating the person's alcohol concentration:

23 (i) By imprisonment for not less than 30 days nor more than 364  
24 days and 60 days of electronic home monitoring. Thirty days of  
25 imprisonment and 60 days of electronic home monitoring may not be  
26 suspended or converted unless the court finds that the imposition of  
27 this mandatory minimum sentence would impose a substantial risk to  
28 the offender's physical or mental well-being. If the offender shows  
29 that the imposition of this mandatory minimum sentence would impose a  
30 substantial risk to the offender's physical or mental well-being, in  
31 lieu of the mandatory term of imprisonment and electronic home  
32 monitoring under this subsection (2)(a)(i), the court may order a  
33 minimum of either 180 days of electronic home monitoring or a 120-day  
34 period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300  
35 through 36.28A.390. Whenever the mandatory minimum sentence is  
36 suspended or converted, the court shall state in writing the reason  
37 for granting the suspension or conversion and the facts upon which  
38 the suspension or conversion is based. The court may consider the  
39 offender's pretrial 24/7 sobriety program monitoring as fulfilling a  
40 portion of posttrial sentencing. The court shall order an expanded

1 substance use disorder assessment and treatment, if deemed  
2 appropriate by the assessment. The offender shall pay for the cost of  
3 the electronic monitoring. The county or municipality where the  
4 penalty is being imposed shall determine the cost. The court may also  
5 require the offender's electronic home monitoring device include an  
6 alcohol detection breathalyzer or other separate alcohol monitoring  
7 device, and may restrict the amount of alcohol the offender may  
8 consume during the time the offender is on electronic home  
9 monitoring; and

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

13 (b) **Penalty for alcohol concentration at least 0.10.** In the case  
14 of a person whose alcohol concentration was at least 0.10:

15 (i) By imprisonment for not less than 40 days nor more than 364  
16 days. In lieu of the mandatory minimum term of imprisonment required  
17 under this subsection (2)(b)(i), the court, in its discretion, may  
18 order not less than 40 days of electronic home monitoring or a 120-  
19 day period of 24/7 sobriety program monitoring. The court may  
20 consider the offender's pretrial 24/7 sobriety program testing as  
21 fulfilling a portion of posttrial sentencing. The offender shall pay  
22 the cost of electronic home monitoring. The county or municipality in  
23 which the penalty is being imposed shall determine the cost. The  
24 county or municipality may also require the offender's electronic  
25 home monitoring device to include an alcohol detection breathalyzer  
26 or other separate alcohol monitoring device, and the court may  
27 restrict the amount of alcohol the offender may consume during the  
28 time the offender is on electronic home monitoring; and

29 (ii) By a fine of not less than \$600 nor more than \$5,000. \$600  
30 of the fine may not be suspended unless the court finds the offender  
31 to be indigent; or

32 (c) **Penalty for alcohol concentration at least (~~(0.15)) 0.12.~~** In  
33 the case of a person whose alcohol concentration was at least  
34 (~~(0.15)) 0.12~~, or for whom by reason of the person's refusal to take  
35 a test offered pursuant to RCW 46.20.308 there is no test result  
36 indicating the person's alcohol concentration:

37 (i) By imprisonment for not less than 45 days nor more than 364  
38 days and 90 days of electronic home monitoring. Forty-five days of  
39 imprisonment and 90 days of electronic home monitoring may not be  
40 suspended or converted unless the court finds that the imposition of

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

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

27 (3) **Two prior offenses in seven years.** Except as provided in RCW  
28 46.61.502(6) or 46.61.504(6), a person who is convicted of a  
29 violation of RCW 46.61.502 or 46.61.504 and who has two prior  
30 offenses within seven years shall be punished as follows:

31 (a) **Penalty for alcohol concentration less than (~~0.15~~) 0.10.** In  
32 the case of a person whose alcohol concentration was less than  
33 (~~0.15~~) 0.10, or for whom for reasons other than the person's  
34 refusal to take a test offered pursuant to RCW 46.20.308 there is no  
35 test result indicating the person's alcohol concentration:

36 (i) By imprisonment for not less than 90 days nor more than 364  
37 days, if available in that county or city, a six-month period of 24/7  
38 sobriety program monitoring pursuant to RCW 36.28A.300 through  
39 36.28A.390, and 120 days of electronic home monitoring. Ninety days  
40 of imprisonment and 120 days of electronic home monitoring may not be

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

22 (ii) By a fine of not less than \$1,000 nor more than \$5,000.  
23 \$1,000 of the fine may not be suspended unless the court finds the  
24 offender to be indigent; ((~~or~~))

25 (b) **Penalty for alcohol concentration at least ((~~0.15~~)) 0.10.** In  
26 the case of a person whose alcohol concentration was at least  
27 ((~~0.15~~)) 0.10, or for whom by reason of the person's refusal to take  
28 a test offered pursuant to RCW 46.20.308 there is no test result  
29 indicating the person's alcohol concentration:

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

1 days of imprisonment and 150 days of electronic home monitoring, the  
2 court may order 360 days of electronic home monitoring or a 360-day  
3 period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through  
4 36.28A.390. Whenever the mandatory minimum sentence is suspended or  
5 converted, the court shall state in writing the reason for granting  
6 the suspension or conversion and the facts upon which the suspension  
7 or conversion is based. The offender shall pay for the cost of the  
8 electronic monitoring. The court shall order an expanded substance  
9 use disorder assessment and treatment, if deemed appropriate by the  
10 assessment. The county or municipality where the penalty is being  
11 imposed shall determine the cost. The court may also require the  
12 offender's electronic home monitoring device include an alcohol  
13 detection breathalyzer or other separate alcohol monitoring device,  
14 and may restrict the amount of alcohol the offender may consume  
15 during the time the offender is on electronic home monitoring; and

16 (ii) By a fine of not less than \$1,500 nor more than \$5,000.  
17 \$1,500 (~~dollars~~) of the fine may not be suspended unless the court  
18 finds the offender to be indigent; or

19 (c) **Penalty for alcohol concentration at least 0.12.** In the case  
20 of a person whose alcohol concentration was at least 0.12, or for  
21 whom by reason of the person's refusal to take a test offered  
22 pursuant to RCW 46.20.308, there is no test result indicating the  
23 person's alcohol concentration:

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

1 based. The offender shall pay the cost of the electronic home  
2 monitoring. The court shall order an expanded substance use disorder  
3 assessment and treatment, if deemed appropriate by the assessment.  
4 The county or municipality where the penalty is being imposed shall  
5 determine the cost. The court may also require the offender's  
6 electronic home monitoring device include an alcohol detection  
7 breathalyzer or other separate alcohol monitoring device, and may  
8 restrict the amount of alcohol the offender may consume during the  
9 time the offender is on electronic home monitoring; and

10 (ii) By a fine of not less than \$1,500 nor more than \$5,000.  
11 \$1,500 of the fine may not be suspended unless the court finds the  
12 offender to be indigent.

13 (4) **Three or more prior offenses in ((15)) 10 years.** A person who  
14 is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be  
15 punished under chapter 9.94A RCW if:

16 (a) The person has three or more prior offenses within ((15)) 10  
17 years; or

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

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

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

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

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

26 (5) **Monitoring.** (a) **Ignition interlock device.** The court shall  
27 require any person convicted of a violation of RCW 46.61.502 or  
28 46.61.504 or an equivalent local ordinance to comply with the rules  
29 and requirements of the department regarding the installation and use  
30 of a functioning ignition interlock device installed on all motor  
31 vehicles operated by the person.

32 (b) **Monitoring devices.** If the court orders that a person refrain  
33 from consuming any alcohol, the court may order the person to submit  
34 to alcohol monitoring through an alcohol detection breathalyzer  
35 device, transdermal sensor device, or other technology designed to  
36 detect alcohol in a person's system. The person shall pay for the  
37 cost of the monitoring, unless the court specifies that the cost of  
38 monitoring will be paid with funds that are available from an  
39 alternative source identified by the court. The county or



1 municipality where the penalty is being imposed shall determine the  
2 cost.

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

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

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

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

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

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

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

35 (c) In any case in which the person has one prior offense within  
36 seven years, and except as provided in RCW 46.61.502(6) or  
37 46.61.504(6), order an additional five days of imprisonment to be  
38 served consecutively for each passenger under the age of 16, and a  
39 fine of not less than \$2,000 and not more than \$5,000 for each  
40 passenger under the age of 16. One thousand dollars of the fine for

1 each passenger under the age of 16 may not be suspended unless the  
2 court finds the offender to be indigent;

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

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

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

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

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

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

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

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

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

37 (A) Where there has been no prior offense within seven years, be  
38 suspended or denied by the department for 90 days or until the person  
39 is evaluated by a substance use disorder agency or probation  
40 department pursuant to RCW 46.20.311 and the person completes or is

1 enrolled in a 90-day period of 24/7 sobriety program monitoring. In  
2 no circumstances shall the license suspension be for fewer than two  
3 days;

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

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

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

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

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

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

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

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

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

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

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

39 (ii) If a person has already served a suspension, revocation, or  
40 denial under RCW 46.20.3101 for a period equal to or greater than the

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

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

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

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

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

33 (11) **Conditions of probation.** (a) In addition to any  
34 nonsuspendable and nondeferrable jail sentence required by this  
35 section, whenever the court imposes up to 364 days in jail, the court  
36 shall also suspend but shall not defer a period of confinement for a  
37 period not exceeding five years. The court shall impose conditions of  
38 probation that include: (i) Not driving a motor vehicle within this  
39 state without a valid license to drive; (ii) not driving a motor  
40 vehicle within this state without proof of liability insurance or

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

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

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

35 (ii) For each incident involving a violation of RCW  
36 46.20.342(1)(c), the court has discretion not to impose a suspension  
37 when the person provides the court with proof that the violation has  
38 been cured within 30 days. The court is not required to notify the  
39 department of the violation unless it is not cured within 30 days.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (xiii) An out-of-state conviction for a violation that would have  
37 been a violation of (a)(i), (ii), (x), (xi), or (xii) of this  
38 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 NEW SECTION. **Sec. 2.** A new section is added to chapter 66.08  
37 RCW to read as follows:

38 (1) The Washington state institute for public policy must conduct  
39 an evaluation of the impacts of this act during the first two years



1 of implementation. By March 1, 2029, the institute must submit a  
2 report to the appropriate committees of the legislature detailing the  
3 results of its evaluation. The evaluation must include, but is not  
4 limited to, the impact of this act on:

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

6 (b) Driving under the influence arrests and adjudications for  
7 driving under the influence offenses;

8 (c) Equity outcomes on overburdened communities as defined in RCW  
9 70A.02.010;

10 (d) Sales and other business effects on the hospitality industry  
11 in the state; and

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

14 (2) This section expires November 1, 2029.

15 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2026.

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