

# HOUSE BILL REPORT

## HB 2280

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### As Passed Legislature

**Title:** An act relating to making felony driving under the influence of intoxicating liquor, marijuana, or any drug a class B felony.

**Brief Description:** Making felony driving under the influence of intoxicating liquor, marijuana, or any drug a class B felony.

**Sponsors:** Representatives Klippert and Hayes.

#### **Brief History:**

##### **Committee Activity:**

Public Safety: 1/13/16, 1/22/16 [DP];

General Government & Information Technology: 2/5/16, 2/8/16 [DP].

##### **Floor Activity:**

Passed House: 2/15/16, 97-0.

Passed Senate: 3/2/16, 47-0.

Passed Legislature.

#### **Brief Summary of Bill**

- Increases a felony level Driving Under the Influence offense from a class C felony to a class B felony offense.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass. Signed by 7 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Appleton, Griffey, Moscoso and Wilson.

**Staff:** Yvonne Walker (786-7841).

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### HOUSE COMMITTEE ON GENERAL GOVERNMENT & INFORMATION TECHNOLOGY

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

**Majority Report:** Do pass. Signed by 7 members: Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson, Morris and Senn.

**Staff:** Rachelle Harris (786-7137).

**Background:**

A person can commit Driving Under the Influence (DUI) or being in Physical Control (PC) of a motor vehicle under the influence of intoxicating liquor or any drug if the person drives with a blood or breath alcohol concentration (BAC) of 0.08 or higher, a THC (tetrahydrocannabinol) concentration of 5.0 or higher, or is under the influence of or affected by liquor or any drug. A DUI offense is punishable as a gross misdemeanor. It becomes a seriousness level V, class C felony offense if a person has four or more prior offenses within 10 years or has previously been convicted of Vehicular Homicide or Vehicular Assault, while under the influence of intoxicating liquor or any drug.

The statutory maximum sentence for a class C felony is five years in prison, a maximum fine of \$10,000, or both imprisonment and a fine. The statutory maximum sentence for a class B felony offense is 10 years in prison, a maximum fine of \$20,000, or both imprisonment and a fine.

**Summary of Bill:**

A felony level DUI offense is increased to a class B felony offense (from a class C felony).

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony (Public Safety):**

(In support) This bill would make it a class B felony offense if the person has four or more prior offenses. This is for a person that has been previously found guilty and was convicted on four separate occasions in a 10-year period. The state needs to hold these offenders for longer periods of time to protect society and supervise them under community supervision.

(Opposed) If there is such a problem with people repeatedly drinking and driving then the maximum penalty under the law is probably not enough. However, there should be a distinction in penalties for those that drink and drive and those that use marijuana and drive. There should also be a difference between per se offenses and actual intoxication offenses.

**Staff Summary of Public Testimony (General Government & Information Technology):**

(In support) When people drive while intoxicated, it results in a lot of suffering. On Easter morning, a drunk driver hit a woman in a car on Interstate-90. The accident killed her son and left the woman in a coma. This bill will allow the state to hold people who commit felony Driving Under the Influence in prison for longer and keep the public safe. It will also allow the state to be able to supervise them for longer when they are out of prison.

(Opposed) None.

**Persons Testifying** (Public Safety): (In support) Representative Klippert, prime sponsor.

(Opposed) Arthur West.

**Persons Testifying** (General Government & Information Technology): Representative Klippert, prime sponsor.

**Persons Signed In To Testify But Not Testifying** (Public Safety): None.

**Persons Signed In To Testify But Not Testifying** (General Government & Information Technology): None.