

HOUSE BILL REPORT

ESSB 6165

As Reported By House Committee On:

Law & Justice

Appropriations

Title: An act relating to use of ignition interlock devices.

Brief Description: Directing mandatory ignition interlocks for DUI offenders.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Rossi, Roach, Rasmussen, Goings, T. Sheldon, McCaslin, Strannigan, Zarelli, Long, Deccio, Oke, Kline, Wood, Schow, Swecker, Stevens, Haugen, Johnson, Benton and Winsley).

Brief History:

Committee Activity:

Law & Justice: 2/24/98, 2/26/98 [DP];

Appropriations: 2/28/98 [DPA].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 12 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Robertson and Sherstad.

Minority Report: Do not pass. Signed by 1 member: Representative Mulliken.

Staff: Bill Perry (786-7123).

Background: A court may order a person convicted of an offense involving the use, consumption, or possession of alcohol while operating a motor vehicle to drive only a vehicle equipped with an ignition interlock device. The court may order the use of an interlock only after any period of driver's license suspension or revocation has passed and only for as long as the court has jurisdiction over the case. Generally, district and municipal courts have jurisdiction over criminal cases for not more than two years.

The Department of Licensing must attach or imprint a notation on the license of a person required to drive only a vehicle equipped with an ignition interlock device. It is a

misdemeanor for a person with such a notation to drive any vehicle that is not equipped with the ignition interlock device.

When a person is arrested for driving while under the influence (DUI), the arresting officer may take custody of the vehicle and remove it to a place of safety.

Summary of Bill: The use of ignition interlock devices is made mandatory in some cases for persons convicted of DUI.

A person convicted of DUI with a blood or breath alcohol level of .15 or more who has not been previously restricted to driving only a vehicle equipped with an ignition interlock device is restricted for one year to driving only a vehicle equipped with an ignition interlock device.

A person convicted of driving under the influence of alcohol or drugs who has a prior DUI within the past five years and who has previously been restricted to driving only a vehicle equipped with an ignition interlock device for one year is restricted to driving only a vehicle equipped with an ignition interlock device for five years.

A person has two or more prior DUIs within the past five years and is convicted of another DUI and who has previously been restricted to driving only a vehicle equipped with an ignition interlock device for five years is permanently restricted to driving only a vehicle equipped with an ignition interlock device.

The impoundment of a vehicle pending trial is made mandatory if a driver arrested for DUI is also violating an interlock requirement.

Local governments may submit claims for reimbursement by the Legislature if verifiable additional costs are created by this bill.

This act may be known and cited as the Mary Johnsen Act.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 19, 1998.

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

Testimony For: This is a proven technology that is being used effectively in a growing number of jurisdictions to reduce the incidence of drunk driving.

Testimony Against: None.

Testified: Senator Rossi, prime sponsor; Keith Johnsen, citizen (pro); Paul Cary, Ignition Interlock Systems (pro); Senator Roach (pro); Senator Strannigan (pro); Karolyn Nunnallee, President, Mothers Against Drunk Drivers (pro); Don Lennon, President, Mothers Against Drunk Drivers, Washington Chapter (pro); Bill Hanson, Washington State Patrol Troopers Association (pro); Annette Sandberg, Chief, Washington State Patrol (pro); Tim Schellberg, Washington Association of Sheriffs and Police Chiefs (pro); Steve Lind, Washington Traffic Safety Commission (pro); Russ Hauge, Washington Association of Prosecuting Attorneys (pro); Kathy Gerke, Association of Washington Cities (pro, with concerns re fiscal impact); Mark Sidron, Seattle City Attorney (pro); Evan Simpson, Harborview Injury Prevention Center (pro); Pamela Simpson, citizen (pro); Cheryl Fox, citizen (pro); Mark Muenster, Washington Association of Criminal Defense Lawyers (con); and Linda Grant, Association of Alcoholism and Addiction Programs (con).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended. Signed by 31 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Dyer; Grant; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

Staff: Dave Johnson (786-7154).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Law & Justice: The provision requiring mandatory lifetime use of interlocks for third time DUI offenders was replaced with a provision requiring use of interlocks for third time DUI offenders for a period of not less than 10 years. Language was added which clarifies that the intent of the Legislature is that costs of the interlock devices be borne by the individual required to use them and not state or local governments.

The clause which authorized local governments to submit claims for the cost of implementing the bill was removed. A new section was added which makes the bill null and void unless specific funding is provided in the Omnibus Appropriations Act by June 30, 1998.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Testimony For: This is a proven technology that is being used in some jurisdictions to reduce the incidents of drunk driving. If ignition interlocks had been mandatory, Mary Johnsen would be alive today. The cost of the devices would be paid by the person and not the government. The cost is less than what alcoholics spend each day on liquor.

Testimony Against: Local governments, while not opposed to the policy direction of the bill, are concerned that the state provide adequate resources to implement the bill. The courts might find that indigents have a right to publicly paid ignition interlock devices. The state, and not local government, sets the standards for indigency.

Testified: Senator Rossi, prime sponsor; Kathy Gerke, Association of Cities (concerns); and Mike Shaw, Association of Counties (concerns).