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Random sobriety checkpoints? Lawmakers look to act next year

Legislative staff is drafting language for a new bill to authorize checkpoints, which would stop drivers even if they have done nothing wrong. The controversial idea that would likely require a constitutional amendment.

By Brian M. Rosenthal

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A legislative work group appears poised to recommend the state adopt random sobriety checkpoints to reduce drunken driving, a controversial idea that would likely require a constitutional amendment.

Rep. Brad Klippert, R-Kennewick, said this week that his staff is drafting language for a new bill to authorize the checkpoints, which would stop drivers even if they have done nothing wrong.

Kirkland Democrat Roger Goodman, the chairman of the state House Public Safety Committee, said he plans to hold a hearing on the proposal.

Both lawmakers said they don't know whether their colleagues would support the idea, which if framed as a constitutional amendment would need support from two-thirds of each chamber.

The work group, formed earlier this year by legislation crafted in response to a DUI tragedy in North Seattle, spent much of its three meetings during the summer discussing checkpoints, Klippert and Goodman said.

While the group will not formally present its report until Dec. 1, members have been sharing details of their work, especially regarding sobriety checkpoints.

"There was an astounding amount of support in the room for that particular policy," said Shelly Baldwin, a program manager at the Washington Traffic Safety Commission.

Checkpoints are used in 38 states and the District of Columbia, according to a report prepared for the committee.

A 2005 study by the National Cooperative Highway Research Program found they may reduce alcohol-related crashes by between 15 and 30 percent.

But in Washington state, they are seen by some as an unwarranted government intrusion.

"When you're out and about, you shouldn't be stopped when there's no reason to think you've done anything wrong," said Doug Honig, a spokesman for the state chapter of the American Civil Liberties Union. "You should be left alone by government."

Many policymakers believe the state Supreme Court ruled in 1988, in response to a lawsuit against the Seattle Police Department, that sobriety checkpoints are illegal in Washington state. Some interpret the ruling to mean checkpoints are not allowed unless explicitly approved by the Legislature.

Goodman, who supports checkpoints, believes a constitutional amendment would be required to allow them.

That path was believed politically impossible as recently as this past spring, when Goodman and other officials, including Gov. Jay Inslee, crafted a package of proposals to reduce drunken driving in the aftermath of a North Seattle crash that killed two grandparents and critically injured their daughter-in-law and infant grandson.

Sobriety checkpoints were not part of that package.

But Goodman said the idea is getting yet another look after some of the other items in the original package were deemed too expensive.

The package passed only after being significantly scaled back because of budget constraints. The final product required that charges be filed more quickly and set an initial jail stint for repeat offenders. But it did not increase mandatory minimum penalties or change the fact that felony DUI can't be charged until an offender has committed five DUIs in 10 years.

The idea was for several of the discarded ideas to be raised in the work group.

The group has now concluded its meetings. Leaders are circulating a survey to members, asking them to rank the ideas that were discussed.

Goodman said the group's report is likely to endorse, in addition to sobriety checkpoints, more ignition-interlock devices and technical changes to ease communication between law-enforcement agencies.

Making DUI a felony on the fourth offense in 10 years may also be in the mix, he said.

But suggestions of increasing mandatory minimum penalties or establishing a new beer tax to fund more DUI enforcement were discarded, Goodman said.

"We had to be realistic," he said.

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