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Lawmakers face long odds in expanding felony DUI definition

A Senate committee held a hearing Monday on making DUI a felony the fourth time it is committed, rather than the fifth. It's the most high-profile of several bills recently introduced about driving under the influence.

By Brian M. Rosenthal

Seattle Times staff reporter

OLYMPIA — A year after cost concerns derailed a proposal to make more drunken-driving crimes count as felonies, some state lawmakers are again pushing to find the money for the change.

The Senate Law & Justice Committee held a hearing Monday on Senate Bill 6090, which would make DUI a felony the fourth time it is committed, rather than the fifth.

Of the 44 states with felony DUIs, Washington is the only one that waits until the fifth conviction for it to kick in.

“We’ve got to find some way to do this,” said state Sen. Mike Padden, R-Spokane Valley, the committee chairman, acknowledging the increased prison time caused by the change would be expensive. “It’s a matter to me of priorities, and I would argue that it is a priority.”

The proposal is the most high-profile of a set of bills recently introduced on an issue that abruptly stole the Legislature’s focus last spring after a crash in Seattle’s Wedgwood neighborhood killed a couple and critically injured their daughter-in-law and infant grandson.

Lawmakers eventually passed a sweeping package of changes but punted on the most dramatic — and expensive — proposals.

Supporters have revived some of those ideas this year but generally acknowledge that the odds will be long in a short, 60-day session in which the Legislature is not expected to approve much new spending.

Instead, state Rep. Roger Goodman said, lawmakers are likely to approve only technical changes.

Goodman, who chairs the state House Public Safety Committee, said he is planning to hold hearings Feb. 4 on a variety of minor bills, including proposals to increase post-conviction supervision of repeat DUI offenders, expand communication efforts about alcohol-sensing and ignition-interlock requirements and to allow police to conduct blood-alcohol tests without a warrant if drivers consent.

The Kirkland Democrat said he also is willing to hold a hearing on a bill establishing random sobriety checkpoints, but he has not yet seen it formally proposed.

Shelly Baldwin, Washington Traffic Safety Commission spokeswoman, said the checkpoints, which most states have and which a stakeholder group endorsed last month, have surprisingly not gotten traction in the Legislature this year.

“It’s disappointing,” Baldwin said.

Instead, the talk has mostly centered on the proposal regarding felony DUIs.

Monday’s hearing featured a plea from Dan Schulte, the son of the grandparents killed by the repeat DUI offender last March.

“We give these repeat offenders far too many chances,” Schulte said. “They have not learned their lesson.”

Pierce County Prosecutor Mark Lindquist agreed.

“First-time DUI could be a mistake. Second-time DUI, probably has a drinking problem. But fourth-time DUI?” Lindquist said. “A person committing a fourth-time DUI is committing a dangerous crime, and the penalty should reflect that.”

But Lindquist and others acknowledged that increasing penalties would burden already overcrowded state prisons and could force the state to build a new prison.

“There’s no argument on the policy,” state Sen. Adam Kline told Lindquist, referring to the committee members. “We’re going to have to pay for this.”

In an interview, Kline said “it would be a miracle” to find the money this year.

The Seattle Democrat, a former lobbyist for the Mothers Against Drunk Driving, said the issue was only being raised “so politicians can look good being quote ‘tough on crime,’ knowing there isn’t money to do it.”

David Postman, a spokesman for Gov. Jay Inslee, said “the governor absolutely supports the policy of decreasing the convictions before felony.”

But, he added, “we need to make sure there is funding.”

Brian M. Rosenthal: 206-464-3195 or brosenthal@seattletimes.com. On Twitter @brianmrosenthal