

# JUDICIAL IMPACT FISCAL NOTE

<b>Bill Number:</b> 1504 3SHB	<b>Title:</b> Impaired Driving	<b>Agency:</b> 055 – Administrative Office of the Courts (AOC)
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## Part I: Estimates

☐ **No Fiscal Impact**

### Estimated Cash Receipts to:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
<b>Total:</b>					

### Estimated Expenditures from:

STATE	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE – Staff Years					
<b>Account</b>					
General Fund – State (001-1)					
State Subtotal					
<b>COUNTY</b>					
County FTE Staff Years					
<b>Account</b>					
Local - Counties					
Counties Subtotal					
<b>CITY</b>					
City FTE Staff Years					
<b>Account</b>					
Local – Cities					
Cities Subtotal					
Local Subtotal					
<b>Total Estimated Expenditures:</b>					

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

Check applicable boxes and follow corresponding instructions:

☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form parts I-V

☒ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐ Capital budget impact, complete Part IV.

Legislative Contact:	Phone:	Date:
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OFM Review:	Phone:	Date:



## **Part II: Narrative Explanation**

This bill would make changes to driving under the influence mandatory minimum incarceration lengths, fines, and electronic home monitoring requirements. This bill would also increase the penalties for those convicted of driving under the influence when passengers under the age of sixteen are in the vehicle at the time of the offense.

### **Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts**

Section 1(13) – Would add an additional twelve months to the standard sentence range for each minor child in a vehicle when a person is found guilty of 46.61.520, 46.61.522, 46.61.502 and 46.61.504.

Section 2(2)(b) – Would add language when an offender whose sentence includes any enhancements under RCWs 9.94A.533(7) vehicular homicide and 9.94A.533(13) minor child in the vehicle would not receive any good time credits or earned release time for any portion of his or her sentence that is a result from these enhancements.

Section 4 – Would add a conviction of “physical control of a motor vehicle while under the influence” to the list of offenders liable for all public agency emergency response expenses.

Section 5(2) – Would require that those subject to suspension, revocation or denial of a driver’s license who are eligible for full credit under RCW 46.61.5055(9)(b)(ii) must be notified of their obligation to complete requirements under RCW 46.20.311 and pay the probationary license fee by the date specified in the notice in order to avoid license suspension.

Section 10(2) - Would change the alcohol set point that prevents the motor vehicle from being started from an alcohol concentration of 0.025 to 0.020.

Section 10(3)(e) – Would require that when the department receives notice that a restricted person has been convicted under RCW 46.20.740 or 46.20.750 (tampering with or removing ignition interlock system) the restriction will be extended by one hundred eighty days. If the period of restriction has been fulfilled and cannot be extended, the department would add a new one hundred eighty-day restriction that is imposed from the date of conviction and is subject to the requirements for removal under subsection 4 of this section.

Section 10(4)(b) – Would allow for the removal of the interlock system at the conclusion of the one hundred eighty day period after an inspection by a certified interlock technician and there was no evidence found that the device was tampered with in a manner described in RCW 46.20.750.

Section 10(8) – Would waive one or more requirements for removal under subsection (4) of this section if compliance with the requirements would be impractical in the case of person residing in another jurisdiction, provided the person is in compliance with any equivalent requirement of the jurisdiction they do reside in.

Section 11(2) – Would require the court notify the Department of Licensing any time a person is convicted of driving a motor vehicle without an interlock system installed.

Section 12(4) – Would require that any time a person is convicted of tampering with, or directs another person to tamper with a restricted person’s ignition interlock device to allow the restricted driver to drive the vehicle the court shall immediately notify the department for purposes of RCW 46.20-420(3)(e).

Section 15(1)(a)(i) - Would remove the language that states minimum sentences cannot be suspended unless there is a substantial risk to the offender's physical or mental wellbeing for a first offense when the person's blood alcohol concentration level is below 0.15 percent.

Section 15(1)(b)(i)– Would remove the language that states minimum sentences cannot be suspended unless there is a substantial risk to the offender's physical or mental wellbeing for a first offense when the person's blood alcohol concentration level is at least 0.15 percent.

Section 15(2)(a)(i) – Would add the language that states minimum sentences cannot be suspended unless there is a substantial risk to the offender's physical or mental wellbeing for a second offense within seven years when the person's blood alcohol concentration level is below 0.15 percent. The court would also be required to state in writing its reasons for granting the suspension or conversion and the fact upon which the suspension or conversion is based.

Section 15(2)(b)(i) - Would add the language that states minimum sentences cannot be suspended unless there is a substantial risk to the offender's physical or mental wellbeing for a second offense within in seven years when the person's blood alcohol concentration level is at least 0.15 percent. The court would also be required to state in writing its reasons for granting the suspension or conversion and the fact upon which the suspension or conversion is based.

Section 15(3)(a)(i) – Would add the language that states minimum sentences cannot be suspended unless there is a substantial risk to the offender's physical or mental wellbeing for a third offense within seven years when the person's blood alcohol concentration level is below 0.15 percent. The court would also be required to state in writing its reasons for granting the suspension or conversion and the fact upon which the suspension or conversion is based.

Section 15(3)(b)(i) - Would add the language that states minimum sentences cannot be suspended unless there is a substantial risk to the offender's physical or mental wellbeing for a third offense when the person's blood alcohol concentration level is at least 0.15 percent. The court would also be required to state in writing its reasons for granting the suspension or conversion and the fact upon which the suspension or conversion is based.

Section 15(6)(a) – Would require the use of an interlock ignition system for an additional twelve months for each passenger in the car under the age of sixteen when a person is subject to the penalties under subsection(1)(a), (2)(a), or (3)(a) of this section and additional eighteen months when subject to the penalties under subsection (1)(b), (2)(b), (3)(b) or (4) of this section.

Section 15(6)(b) – Would add an additional twenty four hours of imprisonment and fine not less than one thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen when a person has had no prior offenses within the last seven years.

Section 15(6)(c) – Would add an additional five days of imprisonment and a fine of not less than two thousand dollars and not more than five thousand dollars for each passenger under the age of sixteen when a person has had one prior offense within the last seven years.

Section 15(6)(d) – Would add an additional ten days of imprisonment and a fine not less than three thousand dollars and not more than ten thousand dollars for each passenger under the age of sixteen when a person has had two prior offenses within the last seven years.

## **II.B - Cash Receipt Impact**

## **II.C – Expenditures**

Indeterminate, but expected to be minimal. This bill would require updates to manuals and online judicial reference materials, and to the DUI sentencing grid. This would be managed within existing resources.