

Felony DUI for Three Priors in Twenty Years (SB 5054)

The Washington Association of Criminal Defense Lawyers (WACDL) and the Washington Defender Association (WDA) oppose SB 5054. The current law recognizes that a DUI conviction is a felony if the person has three or more prior offenses within the past ten years. This is consistent with the policy behind the washout provision for felonies where prior offenses “wash out” after ten years. See RCW 9.94A.525.

The current law recognizes that a person can be rehabilitated and lead a law-abiding life yet make a mistake later in life after many years. For example, a person with DUI convictions from when they were very young and, in their twenties, may reform their lives and lead exemplary lives over decades. Then, when that person’s spouse dies later in life, that person may make a bad decision to drink and drive. Although that person should be punished, that person should not be subjected to a felony DUI and years in prison.

The current law strikes the appropriate balance of enhanced penalties while recognizing that a lengthy period of law-abiding behavior is also important. Finally, the current law is consistent with the policies of the SRA recognizing a ten-year window for felonies to “wash out.”

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