

THE BIANCHI LAW FIRM
605 Thomas Street
Seattle, WA 98109

WASHINGTON

DRINKING & DRIVING PENALTIES AS OF JANUARY 1, 2009

I. CRIMINAL CONVICTIONS FOR DUI [RCW 46.61.502] OR PHYSICAL CONTROL [RCW 46.61.504]

A. FIRST OFFENSE FOR DUI

1. WITH ALCOHOL LEVEL OF .149 OR BELOW

- a. -JAIL TIME: 1 TO 365 DAYS INCLUSIVE (1 DAY JAIL MAY CONVERT TO 15 DAYS EHM¹) [RCW 46.61.5055(1)(a)(i)]
- b. -FINES: \$892 TO \$8,125 (\$350 PLUS COSTS AND ASSESSMENTS) [RCW 46.61.5055(1)(a)(ii)]
- c. -LICENSE: 90 DAY MANDATORY LICENSE SUSPENSION [RCW 46.61.5055(9)(a)(i)]. THIS SUSPENSION TAKES EFFECT 45 DAYS AFTER SENTENCING [RCW 46.20.245]
- d. -IGNITION INTERLOCK LICENSE IS AVAILABLE DURING THIS PERIOD OF SUSPENSION [RCW 46.20.385(1)(a) & (c)]²
- e. -UPON REINSTATEMENT A PROBATIONARY LICENSE FOR 5 YEARS [RCW 46.20.355(2), RCW 46.61.5055(10)]
- f. -IGNITION INTERLOCK DEVICE FOR A MINIMUM OF 1 YEAR UPON REINSTATEMENT [RCW 46.20.720(2)]^{2 & 3}
- g. -FINANCIAL RESPONSIBILITY (SR 22) FOR THREE YEARS. [RCW 46.29.260, RCW 46.29.280, RCW 46.29.600]
- h. -ATTEND DUI VICTIM PANEL [RCW 46.61.5152], ALCOHOL EVALUATION AND COMPLIANCE WITH RECOMMENDATION [RCW 46.61.5056], [RCW 46.61.5055(6)]

2. WITH ALCOHOL LEVEL OF .150 OR ABOVE

- a. -JAIL TIME: 2 CONSECUTIVE DAYS TO 365 DAYS INCLUSIVE (2 DAYS JAIL MAY CONVERT TO 30 DAYS EHM¹) [RCW 46.61.5055(1)(b)(i) & RCW 46.61.5151]
- b. -FINES: \$1,042 TO \$8,125 (\$500 PLUS COSTS AND ASSESSMENTS) [RCW 46.61.5055(1)(b)(ii)]
- c. -LICENSE: 365 DAY MANDATORY LICENSE SUSPENSION [RCW 46.61.5055(9)(b)(i)]. THIS SUSPENSION TAKES EFFECT 45 DAYS AFTER SENTENCING [RCW 46.20.245].
- d. -IGNITION INTERLOCK LICENSE IS AVAILABLE DURING THIS PERIOD OF SUSPENSION [RCW 46.20.385(1)(a) & (c)]^{2 & 3}
- e. -UPON REINSTATEMENT A PROBATIONARY LICENSE FOR 5 YEARS [RCW 46.20.355(2), RCW 46.61.5055(10)]
- f. -IGNITION INTERLOCK DEVICE FOR A MINIMUM OF 1 YEAR UPON REINSTATEMENT [RCW 46.20.720(2)]²
- g. -FINANCIAL RESPONSIBILITY (SR 22) FOR THREE YEARS. [RCW 46.29.260, RCW 46.29.280, RCW 46.29.600]
- h. -ATTEND DUI VICTIM PANEL [RCW 46.61.5152], ALCOHOL EVALUATION AND COMPLIANCE WITH RECOMMENDATION [RCW 46.61.5056], [RCW 46.61.5055(6)]

3. WITH REFUSAL OF ALCOHOL TEST

- a. -JAIL TIME: 2 CONSECUTIVE DAYS TO 365 DAYS INCLUSIVE (2 DAYS JAIL MAY CONVERT TO 30 DAYS EHM¹) [RCW 46.61.5055(1)(b)(i) & RCW 46.61.5151]
- b. -FINES: \$1,042 TO \$8,125 (\$500 PLUS COSTS AND ASSESSMENTS) [RCW 46.61.5055(1)(b)(ii)]
- c. -LICENSE: 2 YEAR MANDATORY LICENSE REVOCATION [RCW 46.61.5055(9)(c)(i)]. THIS SUSPENSION TAKES EFFECT 45 DAYS AFTER SENTENCING [RCW 46.20.245].
- d. -IGNITION INTERLOCK LICENSE IS AVAILABLE DURING THIS PERIOD OF SUSPENSION [RCW 46.20.385(1)(a) & (c)]²
- e. -UPON REINSTATEMENT A PROBATIONARY LICENSE FOR 5 YEARS [RCW 46.20.355(2), RCW 46.61.5055(10)]
- f. -IGNITION INTERLOCK DEVICE FOR A MINIMUM OF 1 YEAR UPON REINSTATEMENT [RCW 46.20.720(2)]^{2 & 3}
- g. -FINANCIAL RESPONSIBILITY (SR 22) FOR THREE YEARS [RCW 46.29.260, RCW 46.29.280, RCW 46.29.600]
- h. -ATTEND DUI VICTIM PANEL [RCW 46.61.5152], ALCOHOL EVALUATION AND COMPLIANCE WITH RECOMMENDATION [RCW 46.61.5056], [RCW 46.61.5055(6)]

¹ EHM is electronic home monitoring (home detention).

² There is an exemption for employer owned vehicles during work hours [RCW 46.20.385(1)(c)(i)]

³ Mandatory 60 day ignition interlock if driving with a passenger under sixteen years of age. [RCW 46.61.5055(6)] For a person previously ordered to install ignition interlock as a result of conviction, minimum is 5 years. For person previously ordered to install ignition interlock for 5 years, minimum is 10 years. [RCW 46.20.720]

B. ONE PRIOR OFFENSE WITHIN 7 YEARS⁴

1. WITH ALCOHOL LEVEL OF .149 OR BELOW

- a. -JAIL TIME: 30 CONSECUTIVE DAYS TO 365 DAYS INCLUSIVE [RCW 46.61.5055(2)(a)(i) & RCW 46.61.5151]
- b. -JAIL TIME IS FOLLOWED BY: 60 CONSECUTIVE DAYS EHM¹ [RCW 46.61.5055(2)(a)(i)]
- c. -FINES: \$1,042 TO \$8,125 (\$500 PLUS COSTS AND ASSESSMENTS) [RCW 46.61.5055(2)(a)(ii)]
- d. -LICENSE: 2 YEAR MANDATORY LICENSE REVOCATION [RCW 46.61.5055(9)(a)(ii)] THIS SUSPENSION TAKES EFFECT 45 DAYS AFTER SENTENCING [RCW 46.20.245].
- e. -IGNITION INTERLOCK LICENSE IS AVAILABLE DURING THIS PERIOD OF SUSPENSION [RCW 46.20.385(1)(a) & (c)]²
- f. -UPON REINSTATEMENT A PROBATIONARY LICENSE FOR 5 YEARS [RCW 46.20.355(2), RCW 46.61.5055(10)]
- g. -IGNITION INTERLOCK DEVICE FOR A MINIMUM OF 1 YEAR UPON REINSTATEMENT OF LICENSE [RCW 46.20.720(2)]^{2 & 3}
- h. -FINANCIAL RESPONSIBILITY (SR 22) FOR THREE YEARS. [RCW 46.29.260, RCW 46.29.280, RCW 46.29.600]
- i. -ATTEND DUI VICTIM PANEL [RCW 46.61.5152], ALCOHOL EVALUATION AND COMPLIANCE WITH RECOMMENDATION [RCW 46.61.5056], [RCW 46.61.5055(6)]
- j. -TRAVEL OUTSIDE OF THE STATE MAY BE RESTRICTED BY PROBATION [ICAOS, RCW 9.95.204(8)(A), RCW 3.66 *ET SEQ.*, RCW 35.20.255(2)(A)]
- k. -VEHICLE SUBJECT TO FORFEITURE [RCW 46.61.5058]

2. WITH ALCOHOL LEVEL OF .150 OR ABOVE

- a. -JAIL TIME: 45 CONSECUTIVE DAYS TO 365 DAYS INCLUSIVE [RCW 46.61.5055(2)(b)(i) & RCW 46.61.5151]
- b. -JAIL TIME IS FOLLOWED BY: 90 CONSECUTIVE DAYS EHM¹ [RCW 46.61.5055(2)(b)(i)]
- c. -FINES: \$1,292 TO \$8,125 (\$750 PLUS COSTS AND ASSESSMENTS) [RCW 46.61.5055(2)(b)(ii)]
- d. -LICENSE: 900 DAY MANDATORY LICENSE REVOCATION [RCW 46.61.5055(9)(b)(ii)] THIS SUSPENSION TAKES EFFECT 45 DAYS AFTER SENTENCING [RCW 46.20.245].
- e. -IGNITION INTERLOCK LICENSE IS AVAILABLE DURING THIS PERIOD OF SUSPENSION [RCW 46.20.385(1)(a) & (c)]²
- f. -UPON REINSTATEMENT A PROBATIONARY LICENSE FOR 5 YEARS [RCW 46.20.355(2), RCW 46.61.5055(10)]
- g. -IGNITION INTERLOCK DEVICE FOR A MINIMUM OF 1 YEAR UPON REINSTATEMENT OF LICENSE [RCW 46.20.720(2)]^{2 & 3}
- h. -FINANCIAL RESPONSIBILITY (SR 22) FOR THREE YEARS. [RCW 46.29.260, RCW 46.29.280, RCW 46.29.600]
- i. -ATTEND DUI VICTIM PANEL [RCW 46.61.5152], ALCOHOL EVALUATION AND COMPLIANCE WITH RECOMMENDATION [RCW 46.61.5056], [RCW 46.61.5055(6)]
- j. -TRAVEL OUTSIDE OF THE STATE MAY BE RESTRICTED BY PROBATION [ICAOS, RCW 9.95.204(8)(A), RCW 3.66 *ET SEQ.*, RCW 35.20.255(2)(A)]
- k. -VEHICLE IS SUBJECT TO FORFEITURE [RCW 46.61.5058]

3. WITH REFUSAL OF ALCOHOL TEST

- a. -JAIL TIME: 45 CONSECUTIVE DAYS TO 365 DAYS INCLUSIVE [RCW 46.61.5055(2)(b)(i) & RCW 46.61.5151]
- b. -JAIL TIME IS FOLLOWED BY: 90 CONSECUTIVE DAYS EHM¹ [RCW 46.61.5055(2)(b)(i)]
- c. -FINES: \$1,292 TO \$8,125 (\$750 PLUS COSTS AND ASSESSMENTS) [RCW 46.61.5055(2)(b)(ii)]
- d. -LICENSE: 3 YEAR MANDATORY LICENSE REVOCATION [RCW 46.61.5055(9)(c)(ii)]. THIS SUSPENSION TAKES EFFECT 45 DAYS AFTER SENTENCING [RCW 46.20.245].
- e. -IGNITION INTERLOCK LICENSE IS AVAILABLE DURING THIS PERIOD OF SUSPENSION [RCW 46.20.385(1)(a) & (c)]²
- f. -UPON REINSTATEMENT A PROBATIONARY LICENSE FOR 5 YEARS [RCW 46.20.355(2), RCW 46.61.5055(10)]
- g. -IGNITION INTERLOCK DEVICE FOR A MINIMUM OF 1 YEAR UPON REINSTATEMENT OF LICENSE [RCW 46.20.720(2)]^{2 & 3}
- h. -FINANCIAL RESPONSIBILITY (SR 22) FOR THREE YEARS. [RCW 46.29.260, RCW 46.29.280, RCW 46.29.600]
- i. -ATTEND DUI VICTIM PANEL [RCW 46.61.5152], ALCOHOL EVALUATION AND COMPLIANCE WITH RECOMMENDATION [RCW 46.61.5056], [RCW 46.61.5055(6)]
- j. -TRAVEL OUTSIDE OF THE STATE MAY BE RESTRICTED BY PROBATION [ICAOS, RCW 9.95.204(8)(A), RCW 3.66 *ET SEQ.*, RCW 35.20.255(2)(A)]
- k. -VEHICLE IS SUBJECT TO FORFEITURE [RCW 46.61.5058]

⁴ A prior offense is defined as DUI, physical control, vehicular homicide/assault convictions, deferred prosecutions, Negligent Driving First Degree or Reckless Driving/Reckless Endangerment reduced from a DUI, within the previous 7 years or 10 years. "Seven years and Ten years" is measured from the date of prior arrest to the date of the current arrest. [RCW 46.61.5055(14)]

⁵ Incident is an arrest which resulted in DOL Administrative Action for either refusing or providing breath/blood samples.

C. TWO OR THREE OFFENSES WITHIN 7 YEARS⁴

1. WITH ALCOHOL LEVEL OF .149 OR BELOW

- a. -JAIL TIME: 90 CONSECUTIVE DAYS TO 365 DAYS INCLUSIVE [RCW 46.61.5055(3)(a)(i) & RCW 46.61.5151]
- b. -JAIL TIME IS FOLLOWED BY: 120 CONSECUTIVE DAYS EHM¹ [RCW 46.61.5055(3)(a)(i)]
- c. -FINES: \$1,542 TO \$8,125 (\$1,000 PLUS COSTS AND ASSESSMENTS) [RCW 46.61.5055(3)(a)(ii)]
- d. -LICENSE: 3 YEAR MANDATORY LICENSE REVOCATION [RCW 46.61.5055(9)(a)(iii)] THIS SUSPENSION TAKES EFFECT 45 DAYS AFTER SENTENCING [RCW 46.20.245].
- e. -IGNITION INTERLOCK LICENSE IS AVAILABLE DURING THIS PERIOD OF SUSPENSION [RCW 46.20.385(1)(a) & (c)]²
- f. -UPON REINSTATEMENT A PROBATIONARY LICENSE FOR 5 YEARS [RCW 46.20.355(2), RCW 46.61.5055(10)]
- g. -IGNITION INTERLOCK DEVICE FOR A MINIMUM OF 1 YEAR UPON REINSTATEMENT OF LICENSE [RCW 46.20.720(2)]^{2 & 3}
- h. -FINANCIAL RESPONSIBILITY (SR 22) FOR THREE YEARS. [RCW 46.29.260, RCW 46.29.280, RCW 46.29.600]
- i. -ATTEND DUI VICTIM PANEL [RCW 46.61.5152], ALCOHOL EVALUATION AND COMPLIANCE WITH RECOMMENDATION [RCW 46.61.5056], [RCW 46.61.5055(6)]
- j. -TRAVEL OUTSIDE OF THE STATE MAY BE RESTRICTED BY PROBATION [ICAOS, RCW 9.95.204(8)(A), RCW 3.66 et. seq., RCW 35.20.255(2)(A)]
- k. -VEHICLE SUBJECT TO FORFEITURE [RCW 46.61.5058]

2. WITH ALCOHOL LEVEL OF .150 OR ABOVE

- a. -JAIL TIME:120 CONSECUTIVE DAYS TO 365 DAYS INCLUSIVE [RCW 46.61.5055(3)(b)(i) & RCW 46.61.5151]
- b. -JAIL TIME IS FOLLOWED BY: 150 CONSECUTIVE DAYS EHM¹ [RCW 46.61.5055(3)(b)(i)]
- c. -FINES: \$2,042 TO \$8,125 (\$1,500 PLUS COSTS AND ASSESSMENTS) [RCW 46.61.5055(3)(b)(ii)]
- d. -LICENSE: 4 YEAR MANDATORY LICENSE REVOCATION [RCW 46.61.5055(9)(b)(iii)] THIS SUSPENSION TAKES EFFECT 45 DAYS AFTER SENTENCING [RCW 46.20.245].
- e. -IGNITION INTERLOCK LICENSE IS AVAILABLE DURING THIS PERIOD OF SUSPENSION RCW 46.20.385(1)(a) & (c)]²
- f. -UPON REINSTATEMENT A PROBATIONARY LICENSE FOR 5 YEARS [RCW 46.20.355(2), RCW 46.61.5055(10)]
- g. -IGNITION INTERLOCK DEVICE FOR A MINIMUM OF 1 YEAR UPON REINSTATEMENT OF LICENSE [RCW 46.20.720 (2)&(3)]^{2 & 3}
- h. -FINANCIAL RESPONSIBILITY (SR 22) FOR THREE YEARS. [RCW 46.29.260, RCW 46.29.280, RCW 46.29.600]
- i. -ATTEND DUI VICTIM PANEL [RCW 46.61.5152], ALCOHOL EVALUATION AND COMPLIANCE WITH RECOMMENDATION [RCW 46.61.5056], [RCW 46.61.5055(6)]
- j. -TRAVEL OUTSIDE OF THE STATE MAY BE RESTRICTED BY PROBATION [ICAOS, RCW 9.95.204(8)(A), RCW 3.66 *ET SEQ.*, RCW 35.20.255(2)(A)]
- k. -VEHICLE SUBJECT TO FORFEITURE [RCW 46.61.5058]

3. WITH REFUSAL OF ALCOHOL TEST

- a. -JAIL TIME:120 CONSECUTIVE DAYS TO 365 DAYS INCLUSIVE [RCW 46.61.5055(3)(b)(i) & RCW 46.61.5151]
 - b. -JAIL TIME IS FOLLOWED BY: 150 CONSECUTIVE DAYS EHM¹ [RCW 46.61.5055(3)(b)(i)]
 - c. -FINES: \$2,042 TO \$8,125 (\$1,500 PLUS COSTS AND ASSESSMENTS) [RCW 46.61.5055(3)(b)(ii)]
 - d. -LICENSE: 4 YEAR MANDATORY LICENSE REVOCATION [RCW46.61.5055(9)(c)(iii)] THIS SUSPENSION TAKES EFFECT 45 DAYS AFTER SENTENCING [RCW 46.20.245].
 - e. -IGNITION INTERLOCK LICENSE IS AVAILABLE DURING THIS PERIOD OF SUSPENSION [RCW 46.20.385(1)(a) & (c)]²
 - f. -UPON REINSTATEMENT A PROBATIONARY LICENSE FOR 5 YEARS [RCW 46.20.355(2), RCW 46.61.5055(10)]
 - g. -IGNITION INTERLOCK DEVICE FOR A MINIMUM OF 1 YEAR UPON REINSTATEMENT OF LICENSE [RCW 46.20.720(2)]^{2 & 3}
 - h. -FINANCIAL RESPONSIBILITY (SR 22) FOR THREE YEARS. [RCW 46.29.260, RCW 46.29.280, RCW 46.29.600]
 - i. -ATTEND DUI VICTIM PANEL [RCW 46.61.5152], ALCOHOL EVALUATION AND COMPLIANCE WITH RECOMMENDATION [RCW 46.61.5056], [RCW 46.61.5055(6)]
 - j. -TRAVEL OUTSIDE OF THE STATE MAY BE RESTRICTED BY PROBATION [ICAOS,RCW 9.95.204(8)(A), RCW 3.66 *ET SEQ.*, RCW 35.20.255(2)(A)]
 - k. -VEHICLE IS SUBJECT TO FORFEITURE [RCW 46.61.5058]
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- D.** THE DEPARTMENT OF LICENSING SHALL GRANT CREDIT ON A DAY-FOR-DAY BASIS FOR ANY PORTION OF A SUSPENSION, REVOCATION, OR DENIAL ALREADY SERVED FOR A SUSPENSION, REVOCATION, OR DENIAL IMPOSED ADMINISTRATIVELY ARISING OUT OF THE SAME INCIDENT [RCW 46.61.5055(9)].
- E.** THE TIME PERIOD OF LICENSE SUSPENSION DURING WHICH AN INDIVIDUAL HAS AN IGNITION INTERLOCK LICENSE MAY APPLY ON A DAY FOR DAY BASIS TOWARDS THE IGNITION INTERLOCK RESTRICTION UPON REINSTATMENT [RCW 46.20.385(1)(c)(iii)].
- F. MANDATORY CONDITIONS OF FIVE (5) YEAR PROBATION WITH CONVICTION**
1. AS A CONDITION OF PROBATION THE JUDGE SHALL ORDER [RCW 46.61.5055(11)(a)]:
 - a. -NOT DRIVE WITHOUT VALID LICENSE AND INSURANCE
 - b. -NOT REFUSE A BLOOD/BREATH TEST
 - c. -NOT HAVE A .08 OR HIGHER BLOOD/BREATH LEVEL WITHIN TWO HOURS OF DRIVING
 2. A VIOLATION OF ANY OF THE ABOVE CONDITIONS IS A MANDATORY 30 DAYS JAIL AND 30 DAYS ADDITIONAL LOSS OF PRIVILEGE TO DRIVE. [RCW 46.61.5055(11)(b) & (c)]

G. FOUR OR MORE PRIOR OFFENSES FOR RCW 46.61.502 (DUI) OR RCW 46.61.504 (PHYSICAL CONTROL) WITHIN 10 YEARS⁴, OR ONE PRIOR OFFENSE FOR VEHICULAR ASSAULT (CLASS ‘B’ FELONY) OR ONE PRIOR OFFENSE FOR VEHICULAR HOMICIDE (CLASS ‘A’ FELONY) IS A CLASS ‘C’ FELONY WITH A MAXIMUM PENALTY OF FIVE YEARS IN PRISON AND A \$10,000 FINE [RCW 46.61.502(6), RCW 46.61.504(6) AND RCW 46.61.5055(4)].

- A SENTENCING RANGE IS BASED UPON PRIOR OFFENSES AND CRIMINAL HISTORY UNDER THE SENTENCING REFORM ACT. A SCORING SHEET FOR PURPOSES OF HELPING DETERMINE THE SENTENCING RANGE IS LISTED BELOW [RCW 9.9A.525(2)(e) and RCW 9.94A.525(11)].

- RCW 9.94A.525 states: (1) a Prior Class A felony and felony sex convictions are always included in the offender score, (2) a Prior Class B (juvenile or adult) felony conviction other than sex offenses are *not* included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or since the entry of judgment and sentence, the offender had spent ten consecutive years in the community without having been convicted of any crime, (3) a Prior Class C (juvenile or adult) felony conviction other than sex offenses are *not* included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or since the entry of judgment and sentence, the offender had spent five consecutive years in the community without having been convicted of any crime.
- A prior felony Driving Under the Influence or felony Physical Control of a Vehicle While Under the Influence of Intoxicating Liquor or Drug offenses and serious traffic offenses will be included in the offender score if they were committed within five years since the last date of release from confinement (including fulltime residential treatment) or entry of judgment and sentence; or if the prior offenses would be considered “prior offenses within ten years” as defined in RCW 46.61.5055(14)⁴ (**NOTE:** Legal opinions currently differ as to whether a Negligent Driving First Degree or Reckless Driving or Reckless Endangerment reduced from a DUI will be considered a prior offense to enhance a charge to a felony and whether a Negligent Driving First Degree or Reckless Endangerment reduced from a DUI will be considered in an offender’s score.)

CLASS C FELONY – DUI/PHYSICAL CONTROL – NONVIOLENT TRAFFIC OFFENSE

ADULT HISTORY:

Enter number of Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____
 Enter number of other felony convictions..... _____ x 1 = _____
 Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving, Operation of a
 Vessel-DUI and misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

JUVENILE HISTORY:

Enter number of Vehicular Homicide and Vehicular Assault dispositions _____ x 2 = _____
 Enter number of other felony dispositions..... _____ x ½ = _____
 Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving, Operation of a
 Vessel-DUI and misdemeanor Hit and Run - Attended dispositions _____ x ½ = _____

OTHER CURRENT OFFENSES: (Other current offenses which do not encompass the same conduct count in offender score)

Enter number of Vehicular Homicide and Vehicular Assault convictions _____ x 2 = _____
 Enter number of other felony convictions..... _____ x 1 = _____
 Enter number of Driving While Intoxicated, Actual Physical Control, Reckless Driving, Operation of a
 Vessel-DUI and misdemeanor Hit and Run - Attended convictions _____ x 1 = _____

STATUS: Was the offender on community custody on the date the current offense was committed? (if yes), + 1 = _____

Total the last column to get the **Offender Score**
 (Round down to the nearest whole number)

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II. SENTENCE RANGE

A. OFFENDER SCORE:
 STANDARD RANGE
 (LEVEL V)

0	1	2	3	4	5	6	7	8	9 or more
6 - 12 months	12+ - 14 months	13 - 17 months	15 - 20 months	22 - 29 months	33 - 43 months	41 - 54 months	51 – 60* months	60* months	60* months

A. When a court sentences an offender to the custody of the Dept. of Corrections, the court shall also sentence the offender to community custody for the range of 9 to 18 months, or to the period of earned release, whichever is longer (RCW 9.94A.715).

B. A First-Time Offender Waiver sentencing alternative lowering the sentencing range to a maximum 90 days of confinement might be available if the offender: (1) Has not been convicted of a violent offense; (2) Has not been convicted of Manufacture, Delivery, or Possession with Intent to Manufacture or Deliver a Schedule I or II Narcotic Drug, Flunitrazepam classified in Schedule IV or Methamphetamine; (3) Has not been convicted of Selling for Profit any Controlled or Counterfeit Substance; (4) Has not been convicted of a sex offense; (5) Has not previously been convicted of a felony in this state, federal court, another state or foreign country; (6) Has never participated in a program of deferred prosecution for a felony offense; and (7) Has no juvenile adjudication for any felony offense.

**II. ADMINISTRATIVE LICENSE REVOCATION BY THE DEPARTMENT OF LICENSING
[RCW 46.20.308]**

- A. REFUSALS AND SPECIFIED ALCOHOL READINGS TRIGGER LOSS OF LICENSE BY ADMINISTRATIVE ACTION WITH THE DEPARTMENT OF LICENSING INDEPENDENT OF ANY CRIMINAL PROSECUTION. [RCW 46.20.308]**
- B. YOU ONLY HAVE 20 DAYS FROM DATE OF ARREST TO REQUEST A HEARING (ALONG WITH \$200) TO CONTEST THIS ADMINISTRATIVE ACTION AS IT RELATES TO YOUR LICENSE. THE SUSPENSION WILL AUTOMATICALLY TAKE EFFECT 61 DAYS FROM DATE OF ARREST.**
- C. THE DEPARTMENT OF LICENSING SHALL GRANT CREDIT ON A DAY-FOR-DAY BASIS FOR ANY PORTION OF A SUSPENSION, REVOCATION, OR DENIAL ALREADY SERVED FOR A SUSPENSION, REVOCATION, OR DENIAL IMPOSED UNDER A CONVICTION OF DUI OR PHYSICAL CONTROL ARISING OUT OF THE SAME INCIDENT. [RCW 46.20.3101(4)].**
- D. ARREST FOR DUI OR PHYSICAL CONTROL WITH AN ALCOHOL LEVEL OF .08 OR ABOVE OR UNDER 21 YEARS OLD WITH AN ALCOHOL LEVEL OF .02 OR ABOVE**
1. FIRST SUCH ARREST AND NO PREVIOUS INCIDENT⁵ WITHIN 7 YEARS⁴: 90 DAY LICENSE SUSPENSION [RCW 46.20.3101 (2)(a)].
 - a. -IGNITION INTERLOCK LICENSE IS AVAILABLE DURING THIS PERIOD OF SUSPENSION [RCW 46.20.385 & WAC 308-107-010 et. seq]²
 - b. -FINANCIAL RESPONSIBILITY (SR 22) FOR THREE YEARS. [RCW 46.29.260, RCW 46.29.280, RCW 46.29.600]
 - c. -THIS REVOCATION CAN BE STAYED IF YOU ENTER INTO A DEFERRED PROSECUTION
 2. WITH PRIOR ARREST AND INCIDENT⁵ WITHIN 7 YEARS⁴: 2 YEAR LICENSE REVOCATION. [RCW 46.20.3101(2)(b)].
 - a. -IGNITION INTERLOCK LICENSE IS AVAILABLE DURING THIS PERIOD OF SUSPENSION [RCW 46.20.385 & WAC 308-107-010 et. seq]²
 - b. -FINANCIAL RESPONSIBILITY (SR 22) FOR THREE YEARS. [RCW 46.29.260, RCW 46.29.280, RCW 46.29.600]
 - c. -HIS REVOCATION CAN BE STAYED IF YOU ENTER INTO A DEFERRED PROSECUTION.
- E. ARREST FOR DUI OR PHYSICAL CONTROL WITH REFUSAL OF ALCOHOL TEST FOR ADULTS AND INDIVIDUALS UNDER 21 YEARS OLD**
1. -FIRST REFUSAL AND NO PREVIOUS INCIDENT⁵ WITHIN 7 YEARS⁴: 1 YEAR REVOCATION. [RCW 46.20.3101(1)(A)]
 - a. -IGNITION INTERLOCK LICENSE IS AVAILABLE DURING THIS PERIOD OF SUSPENSION [RCW 46.20.385 & WAC 308-107-010 et. seq]²
 - b. -FINANCIAL RESPONSIBILITY (SR 22) FOR THREE YEARS. [RCW 46.29.260, RCW 46.29.280, RCW 46.29.600]
 2. -WITH PRIOR REFUSAL OR OTHER INCIDENT⁵ WITHIN 7 YEARS⁴: 2 YEAR REVOCATION. [RCW 46.20.3101(1)(B)]
 - a. IGNITION INTERLOCK LICENSE IS AVAILABLE DURING THIS PERIOD OF SUSPENSION [RCW 46.20.385 & WAC 308-107-010 et. seq]²
 - b. -FINANCIAL RESPONSIBILITY (SR 22) FOR THREE YEARS. [RCW 46.29.260, RCW 46.29.280, RCW 46.29.600]

III. WASHINGTON IS A MEMBER OF THE INTERSTATE COMPACT UNDER RCW 46.21.010. WASHINGTON IS NOT TO ACKNOWLEDGE OR SUSPEND A RESIDENT'S LICENSE BASED SOLELY UPON AN ADMINISTRATIVE ACTION BY A LICENSING AUTHORITY FROM ANOTHER STATE. WASHINGTON WILL ACKNOWLEDGE AND ENFORCE A SUSPENSION OF A RESIDENT'S LICENSE BASED UPON A CONVICTION FROM ANOTHER STATE AND WILL TAKE ACTION AGAINST THE RESIDENT'S LICENSE AS IF THEY WERE CONVICTED OF THAT OFFENSE IN WASHINGTON.