

WASHINGTON DUI LAW

WHAT YOU NEED TO KNOW NOW!



Information Provided by Bugbee Law Office P.S.

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Washington DUI Overview

Driving under the influence (DUI) is something that can change your life forever. It is a fairly common crime in all fifty states, and many individuals are still trying to escape the wrath of a prior DUI. What many people do not realize is that a DUI may not land you in jail (depending on the severity of the charge), but a DUI certainly may make your life more difficult for years to come. Having a DUI on your record can become an impediment to your life as you may find it difficult to get a job, attend school, or even rent a home. The non-criminal consequences of a DUI can follow you and appear at any time when you least expect it.

In addition to possible jail time (which is often avoidable for many first-time offenders), anyone convicted is likely to face monetary fines, driver's license suspension/revocation, and the requirement that an ignition interlock device (IID) be placed in a driver's vehicle.

DUI charges range in severity from what may be considered a minor offense to one that involves the injury or death of another person. The penalties for a DUI in Washington are as follows:

	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>
Jail	24 hours to 1 year	30 days to 1 year	90 days to 1 year
Fines & Penalties	\$940.50 to \$5000	\$1,195.50 to \$5000	\$2,045.50 to \$5000
License Suspension	90 days to 1 year	2 years to 900 days	3 to 4 years
IID** Required	Yes	Yes	Yes

**Ignition Interlock Device- see description on page 9

The criminal side of a DUI is something that many individuals can overcome, but there is always another step to the process that can make your life more difficult than you may expect. As such, when facing a DUI charge, whether in the state of Washington or Idaho, it cannot be stressed enough that time is of the essence, and the sooner you can speak with a DUI Defense Attorney, the sooner you will be able to get your criminal matter resolved in the most feasible way possible.

While the primary consequences of a DUI conviction are criminal in nature, there are non-criminal consequences that you should be aware of. Read on further to learn about how a DUI conviction can affect your driving abilities as well as other aspects of your life. Please also feel free to call us anytime 24/7 if you have any questions @ (509) 327-7277.

DUI Process in Washington

It is important that all drivers have a good understanding of what to expect from start to finish when charged with driving under the influence of alcohol or drugs. The general DUI process includes, but may not be limited to, the following steps:

- (1) **Initial Police Stop** – A police officer must have a reason to pull you over, such as speeding, swerving, failing to signal, etc. The officer then may ask you if you have been drinking.
- (2) **Field Sobriety Test** – If you have admitted to drinking and driving and/or there is clear evidence that you have likely been drinking (such as smelling alcohol on your breath and/or in the vehicle, slurred speech, & bloodshot eyes, among others), the officer then may administer a field sobriety test.
- (3) **Breathalyzer Test to Measure Blood-Alcohol Content (BAC)** – If you fail a field sobriety test, an officer may then administer a BAC test to measure how much alcohol is in your system. If your BAC is .08% or greater (the limit in most states for individuals 21 years and older, including Washington and Idaho), then you may be arrested on suspicion of driving under the influence of alcohol. *If you are younger than 21 years old, the BAC limit is .02%. & .04% for commercial drivers.
- (4) **Arrest/Booking** – Once you have been taken to the police station, you will then be booked and essentially put into the system before facing formal criminal charges in court. Booking involves running a criminal background check, taking a photograph (“mug shot”), and fingerprinting.
- (5) **Criminal Hearing** – After being booked, you will then be scheduled to appear in court to face formal charges. This is often referred to as arraignment. At this time, you will have another court hearing scheduled which gives you time to find an attorney (if you don’t already have one) and seek to have the criminal matter resolved.
- (6) **Plea** – At the second court hearing, you will offer your plea to the court (guilty, not guilty, or no contest). Often, individuals facing DUI charges plead to a lesser offense to avoid the criminal penalties for a DUI conviction.
- (7) **Trial** – If a plea agreement is not reached, you will proceed to trial where a jury will decide whether or not you are guilty of the crime(s) you have been charged with. It is unlikely that a DUI case will go to trial as plea agreements are commonly negotiated between your attorney and the charging prosecutor.
- (8) **Sentencing** – If you go to trial and win, you are acquitted of all criminal charges and are free to go. If you lose at trial, you will then face sentencing which will be in

accordance with the severity of the crime. The worse the crime is, the greater the punishment will be.

(9) **Appeal** – It is rare that a DUI conviction will get this far, but if you do go to trial and are found guilty, you have the opportunity to appeal the conviction.

A DUI charge may be dismissed if there is insufficient evidence to find you guilty of driving under the influence. Also, if evidence has been illegally obtained, your DUI charge may be dismissed as the prosecution would not be able to use any illegally obtained evidence against you at trial. To determine if there are grounds to have your DUI charge dismissed, it is imperative that you have a highly experienced criminal defense attorney at your side to advocate for your rights.

When there is sufficient evidence to find you guilty of driving under the influence, you may have the option of pleading guilty to a lesser offense as described above. This is, of course, dependent upon your criminal history and whether or not you have prior DUI or other criminal convictions. The overall goal is to have a DUI charged resolved as quickly as possible, and to do that it is important to contact an attorney right away following an arrest.

Washington DUI FAQs

➤ **How much will a DUI conviction truly cost me?**

You already know from reading the information above and reading the information on our [Washington DUI Charges](#) page that you may have to pay hefty fines if you are convicted of driving under the influence. Additionally, you may incur costs in the form of job loss, or the inability to even interview for a job. This is why it is particularly important to speak with an attorney. And while you will likely have legal fees associated with resolving your criminal matter, such fees are often worth the cost to avoid the worst of criminal consequences that may result from being convicted of driving under the influence.

➤ **What happens when you drive under the influence of alcohol or drugs?**

When you make the decision to drive under the influence of alcohol or drugs, you are taking a major risk at the expense of one short drive home. No matter how inconvenient it may be to wait for a ride and leave your car somewhere, it is well worth it to make the smart choice and avoid driving under the influence. That one decision to drive after even just one or two drinks may open a can of worms where you are faced with multiple hardships for an indefinite period of time. The outcome of a DUI charge or conviction is heavily dependent upon the quality of legal representation you receive. The more experienced your attorney is, the better off you will be in resolving your criminal matter.

➤ **What are the legal limits for blood alcohol content?**

With the exception of Arizona, all 50 states have set the legal limits signifying Driving under the Influence as a Blood Alcohol Content (BAC) of .08%. For commercial drivers, the qualifying BAC is .04 %, and drivers under 21 only .02 %.

➤ **I've had a few drinks tonight – how do I know my legal limit?**

Because estimating one's alcohol consumption limits is an inexact science, the only way to be 100% sure of not getting a DUI is to not drink and drive. Appoint one of your friends as the Designated Driver or call a cab.

If that's not an option, you need to understand how even just a few drinks can affect your BAC.

A “drink” can be defined as:

(1) 12 fl oz beer

(1) 5 fl oz glass of wine

(1) 1.5 fl oz shot of hard liquor

Generally speaking, a 180-pound man will be over the legal limit after only five drinks. A 120-pound woman would be over the line after only three drinks.

➤ **Can I refuse a breathalyzer if I'm pulled over?**

That's probably not a good idea. Both Washington and Idaho are "implied consent" states, which means that if you refuse a breathalyzer, your license can be suspended up to one year. It also depends on the circumstances of your particular case-always ask to consult with an attorney before making this decision.

➤ **Can I speak to a lawyer before I take a field sobriety or breathalyzer test?**

No. You do not have the right to counsel of your choice until you are actually placed under arrest. But it depends on the circumstances of your particular case-ALWAYS ask to consult with an attorney before making this decision.

➤ **I failed my field sobriety/BAC test. Should I just plead guilty because my case is hopeless?**

Absolutely not. Neither test is 100% foolproof. Incriminating evidence can be successfully challenged. This is one of the many things that the right DUI defense attorney can do for you.

➤ **My BAC test was less than .08%. Why was I placed under arrest?**

It depends on your specific situation. If you are pulled over for "erratic driving" and the test shows any alcohol whatsoever in your system, you can still be arrested for "Negligent Driving in the First Degree." You can also be arrested for DUI even if under .08 if your driving was affected by your alcohol consumption "to an appreciable degree."

➤ **I wasn't driving. I was pulled over to the side of the road. Why was I arrested?**

This is known as a "Physical Control DUI", and, if you are convicted, it can have the same consequences as a moving DUI. "Physical control" simply means that you had the means – the keys – to operate your vehicle AND you were in close proximity – inside – while you were under the influence of alcohol.

➤ **Is there such thing as a marijuana DUI?**

Absolutely. The penalties are the same as those for an alcohol DUI. Marijuana remains illegal in Idaho, although it has been decriminalized in Washington. In Washington, an individual aged 21

years or older is breaking the law if they drive while they have a THC blood content of over 5 ng/mL of blood. An individual under 21 breaks the law with any THC in their blood while driving.

➤ **Can I get charged with a DUI because of my prescription medication?**

Yes. If you're driving under the influence of drugs – any drugs – and they affect your driving, then you can be charged and convicted of a DUI. Many medications, both prescription and over-the-counter, have warnings printed on their labels.

➤ **If I am convicted of a DUI, will I go to jail?**

If you are convicted, some jail time is mandatory, and, depending upon the severity of your circumstances and your previous history of DUIs, the jail time can be significant. A first-time WA offender could spend a minimum of 24 hours in jail and up to a maximum of one year. In the worst cases – a felony WA DUI – can mean up to five years in prison.

** Although this list is not meant to be comprehensive, it does try to answer some of the most common questions that people have regarding DUI offenses in the states of Washington and Idaho.

The Administrative Side of a DUI Charge in the State of Washington

Administrative Hearings

If you are arrested and charged with driving under the influence in Washington, you have the opportunity to request a hearing to determine how your driver's license may be affected and what driving rights you will and will not have. Even if your DUI charge has been reduced or dismissed, you still will have to deal with potential licensing consequences which can be addressed at an administrative hearing. If you do not request a hearing within 20 days of your arrest (7 days in Idaho), your license will automatically be suspended. It is important that anyone facing a DUI charge discuss the option of requesting a hearing with the Washington State Department of Licensing with a qualified Spokane DUI Defense Attorney.

If you ultimately appear for a hearing with the Washington State Department of Licensing, a hearing examiner will review the facts of your arrest to reach a decision on whether or not you should face any license restrictions, and if so, what types of restrictions. Like a criminal conviction, you will have the opportunity to appeal the licensing board's decision to restrict your driver's license. In such cases, it is important to have an attorney by your side.

Restrictions on Your Driver's License

Depending on whether or not you were simply arrested for driving under the influence or if you were convicted, the range in restrictions will be based on how serious the DUI charge or conviction is. Your driver's license may be suspended for a brief period of time or multiple years. Some individuals face complete revocation of their driver's license, and may be limited in their ability to have their driver's license reinstated in the future. Having an attorney assist you in your criminal matter can make all the difference in the world. You may have options available to you that only an attorney can help you explore.

Ignition Interlock Device

Depending on the nature of your DUI charge or conviction, you may be required to have an ignition interlock device (IID) which requires you to test your BAC before you operate your vehicle. If you have not been drinking, you will be able to drive your vehicle. If alcohol is present on your breath, you will be prevented from operating your vehicle.

Why You Should Speak with a Spokane DUI Defense Attorney

Any criminal matter, no matter how minor or severe, should be discussed with an attorney experienced in criminal law. When it comes to DUIs, the consequences can be life-changing, and only a qualified DUI Defense Attorney can provide you with the information you need to move forward. Facing a DUI charge on your own could mean you have to pay hefty fines and serve time in jail. With the assistance of an attorney, you may be able to avoid those hefty fines and jail time. Perhaps you will be offered probation, community service, or simply a suspended license instead of taking your case further to trial.

While a DUI could turn out to be a relatively minor offense in your particular situation, it is extremely risky to face a criminal offense on your own. An attorney can help you understand what may happen if you are found guilty of driving under the influence. Not only could you lose your driver's license, but you also may lose your job or find it difficult to get a job. If you want to attend college, you may have trouble getting accepted with a DUI on your record.

The consequences may be different for you than for someone else, and it is crucial that you know what you are dealing with. For example, if you wish to obtain a Commercial Driver's License (CDL), a DUI charge and/or conviction could make this very difficult. You may be temporarily or permanently prevented from obtaining such a license. Individuals who seek the advice of a DUI Defense Attorney are taking a step in the right direction to have their DUI charge resolved as quickly as possible and in the fairest way possible given the facts of the DUI charge.

Why shouldn't I represent myself?

When a case is this complicated and the possible consequences are so substantial, it is an extremely bad idea to try to handle this without proper representation.

Please note the emphasis. Hiring a lawyer lacking the proper experience and expertise in DUI cases is only one small step above representing yourself.

To be perfectly clear, you – and an inexperienced, unqualified lawyer – do simply not have the necessary skills and tools at your disposal to maximize your chances of a positive outcome.

As you can see from the information above, a DUI charge is not always a simple matter to resolve. There are numerous variables that come into play that will make each situation unique as each case will always present its own set of facts and circumstances. Working with a DUI Defense Attorney is a decision you should seriously consider if you have been charged with driving under the influence of alcohol or drugs.

Contact Bugbee Law Office Today to Schedule Your Free Case Evaluation

A driving under the influence (DUI) conviction can create a world of problems that goes beyond having a criminal record. There is simply too much at stake to pursue a DUI charge on your own. It takes the skill and diligence of a highly experienced Spokane DUI Defense Attorney to ensure your rights and interests are protected. As a former prosecutor with more than twenty years of experience, Spokane DUI Defense Attorney Chris A. Bugbee devotes his practice to helping clients fight and overcome DUI-related offenses. His time as a prosecutor helps him provide his clients with well-rounded legal representation, as he knows what to expect from the prosecution in a given DUI case. Therefore, if you or someone you know is facing a DUI charge in Washington or Idaho, it is important that you act quickly to speak with an attorney. If you would like to discuss your situation with Chris Bugbee, contact Bugbee Law Office, P.S. today by calling **(509) 327-7277** to schedule your free case evaluation.

www.bugbeelaw.com

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