

# HOUSE BILL REPORT

## HB 1067

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### As Reported By House Committee On:

Law & Justice

**Title:** An act relating to motor vehicle offenses involving deaths.

**Brief Description:** Extending the time limits for commencing a prosecution for certain traffic crimes where a death results.

**Sponsors:** Representatives Sterk, Thompson, Costa, Sheahan, Sherstad, Smith, Mielke and O'Brien.

### Brief History:

#### Committee Activity:

Law & Justice: 1/22/97, 1/24/97 [DP].

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass. Signed by 12 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

**Staff:** Edie Adams (786-7180).

**Background:** The state must prosecute a person for committing a felony offense within three years after the commission of the crime, unless the Legislature specifically provides for an alternative statute of limitations. The crimes of vehicular homicide, vehicular assault, and hit-and-run injury accident are all subject to the three-year statute of limitations period. In contrast, the crimes of murder, homicide by abuse, and arson if a death results may be prosecuted at any time after the commission of the offense.

A person commits the crime of vehicular homicide if that person's driving of a vehicle causes the death, within three years, of another person, and if the person was driving the vehicle (1) while under the influence of alcohol or drugs; (2) in a reckless manner; or (3) with disregard for the safety of others. Vehicular homicide is a class A felony.

A person commits the crime of vehicular assault if the person operates a motor vehicle in a reckless manner or while under the influence of drugs or alcohol, and this conduct causes serious bodily injury to another person. Vehicular assault is a class B felony.

A driver commits the crime of hit-and-run injury accident if the driver is involved in an accident that results in the injury to, or death of, another, and if the driver fails to immediately stop at the scene of the accident and provide assistance and information. Hit-and-run injury accident is a class C felony.

**Summary of Bill:** The state may prosecute a defendant for committing the crimes of vehicular homicide, vehicular assault if a death occurs, or hit-and-run injury accident if a death occurs, at any time after the commission of the offense.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The current three-year statute of limitations prevents the prosecution of these very serious offenses. Three years is not very long, and it is easy for a person to flee the state and come back after the three-year period expires. These are serious offenses involving the death of a person, and the perpetrator should be held accountable.

**Testimony Against:** None.

**Testified:** Representative Sterk, prime sponsor; John Clarke, Spokane Police Department (pro); Doug Blair, Yakima County Sheriff (pro); Linda Thompson, citizen (pro); Tom McBride, Washington Association of Prosecuting Attorneys (pro); and Captain Marshall Pugh, Washington State Patrol (pro).