

FINAL BILL REPORT

HB 1165

C 219 L 98

Synopsis as Enacted

Brief Description: Creating the crimes of homicide by watercraft and assault by watercraft.

Sponsors: Representatives Backlund, O'Brien, Skinner, Cairnes, Dyer, Dunn, Lambert, Sherstad, Sterk, Delvin and Mielke.

House Committee on Law & Justice
Senate Committee on Law & Justice

Background: Some of the state's motor vehicle laws have equivalent counterparts in the state's boating laws. For instance, there is a drunk boating provision similar to the drunk driving law, and there are boating hit and run laws similar to those that apply on the highways. However, there are no equivalents to vehicular assault and homicide in the boating laws.

The state's motor vehicle code includes the crimes of "vehicular assault" and "vehicular homicide." Vehicular assault consists of causing serious bodily injury to another by driving in a reckless manner or under the influence of drugs or alcohol. Vehicular homicide consists of causing the death of another while driving recklessly, or with disregard for the safety of others, or while under the influence of drugs or alcohol.

Vehicular assault is a class B felony ranked at level IV under the Sentencing Reform Act. Vehicular homicide is a class A felony ranked at level IX if committed while under the influence, ranked at level VIII if committed while driving recklessly, and ranked at level VII if committed while driving with disregard for the safety of others. Persons convicted of these crimes who are subsequently placed on community supervision or community placement must submit to diagnostic evaluation and possible treatment for drug or alcohol problems.

Summary: The crimes of assault by watercraft and homicide by watercraft are created. The elements, classifications, rankings, and evaluation and treatment provisions for these crimes are the equivalents of those that apply to vehicular assault and homicide.

Injury or death caused by a water skier is excluded. Sailboards are exempted not only for the purposes of this act, but also for purposes of the chapter of law regulating recreational vessels generally.

Votes on Final Passage:

House 93 0

Senate 47 0 (Senate amended)

House 96 0 (House concurred)

Effective: June 11, 1998