

HOUSE BILL REPORT

SSB 6071

As Reported By House Committee On:
Criminal Justice & Corrections
Appropriations

Title: An act relating to duties of drivers involved in accidents.

Brief Description: Increasing penalties for hit and run where an injury or death occurs.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Rossi, Johnson, McCaslin, T. Sheldon and Oke).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/22/00, 2/23/00 [DPA];
Appropriations: 2/26/00, 2/28/00 [DPA(APP w/o CJC)s].

**Brief Summary of Substitute Bill
(As Amended by House Committee)**

- Increasing penalties for hit and run where death occurs.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass as amended. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Staff: Mark Friendshuh (786-7291).

Background:

A driver of a vehicle involved in an accident must remain at the scene until the driver provides required information including the driver's name, address, and insurer, to any person struck or injured or any person occupying a vehicle struck. The driver must also provide reasonable assistance to a person injured in an accident. A driver

who is incapable of complying due to injuries sustained in the accident is not subject to penalty.

Failure to comply in the case of a non-injury accident is a gross misdemeanor. Failure to comply in the case of an accident resulting in injury or death is a class C felony ranked at level IV on the sentencing grid. The presumptive sentencing range for a level IV offender with no prior criminal history is three to nine months. For juveniles in an injury or death accident, failure to comply is a category C offense, for which local sanctions are prescribed.

Summary of Amended Bill:

In an accident resulting in death, the driver of the vehicle who does not remain at the scene to provide the required information and assistance is guilty of a class B felony ranked at a level VIII on the sentencing grid. The presumptive sentencing range for a level VIII offender with no prior criminal history is 21-27 months. The offense is a category B+ offense for juveniles, for which a 15-36 week sentence is prescribed.

In an accident resulting in injury, leaving the scene remains a class C felony, level IV on the sentencing grid, or a category C offense for juveniles.

Amended Bill Compared to Substitute Bill: The substitute bill ranked a violation at level IX on the sentencing grid, for a presumptive sentencing range of 31-41 months for an offender with no prior criminal history.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill closes a loophole in the law. There is uncertainty in sentencing a hit and run offender that can result in a sentence from zero to five years. The bill separates hit and run involving death from that injury, so that an appropriate penalty can be assessed. In some cases where there is a hit and run involving death, there is not enough evidence to charge the driver with vehicular homicide. The driver, by leaving the scene, takes much of the evidence with him, such as blood alcohol levels and forensic and physical evidence. This bill would prevent offenders from having a sentence much shorter than a person who is convicted of vehicular homicide. This bill would also punish drivers who avoid being tested and caught for DUI by leaving the scene. Being scared or panicked is not an excuse for leaving the

scene. By staying at the scene, the driver may be able to save the victim. This bill would discourage leaving the scene. The seriousness of hit and run accidents is enough to justify a higher penalty. Hit and run accidents resulting in death are a serious problem - there were 115 deaths from 1993 to 1998.

Testimony Against: None.

Testified: Senator Rossi, prime sponsor; Charlotte and Jerry Rempfer, citizens of North Bend; and Tom McBride, Washington Association of Prosecuting Attorneys.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on Criminal Justice & Corrections. Signed by 30 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Rockefeller; Ruderman; Sullivan; Sump; Tokuda and Wensman.

Staff: Dave Johnson (786-7154).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Criminal Justice & Corrections: A provision was added that makes the act null and void unless funding is provided in the operating budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Testimony For: Sometimes it takes a tragedy to point out a loophole in the law. This bill closes just such a loophole. There is uncertainty in sentencing a hit-and-run offender that can result in a sentence from zero to five years. In some cases where there is a hit and run involving death, there is not enough evidence to charge the driver with vehicular homicide. The driver, by leaving the scene, takes much of the evidence with him or her, such as blood alcohol levels and forensic and physical evidence. This bill would prevent offenders from having a sentence much shorter than a person who is convicted of vehicular homicide. The sentence imposed under

the bill is much more just than the six-month sentence for hit and run in the Rempfer case was.

Testimony Against: None.

Testified: Senator Rossi, prime sponsor; and Charlotte Rempfer and Jerry Rempfer.