

HOUSE BILL ANALYSIS

HB 2412

Brief Description: Establishing two degrees of vehicular assault.

Sponsors: Representatives Lovick and Ballasiotes.

Hearing: January 26, 2000

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

BACKGROUND:

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. "Serious bodily injury" is defined to mean bodily injury which involves a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body. Vehicular assault is a class B, seriousness level IV felony, which carries a presumptive sentence range of three to nine months for an offender with no prior criminal history.

SUMMARY OF BILL:

The crime of vehicular assault is divided into two degrees. The existing crime becomes vehicular assault in the first degree « still a class B felony « and moves to seriousness level V on the sentencing grid. A level V crime has a presumptive sentence range of six to 12 months for an offender with no prior criminal history.

A new crime of vehicular assault in the second degree is created. Vehicular assault in the second degree is committed if the crime meets all of the elements of first degree vehicular assault, but the injury to the other person is less serious. The injury must be substantial, which is defined to mean injury that involves a temporary, but substantial disfigurement, or that causes a temporary, but substantial loss of impairment to the

function of a part or organ of the body, or that causes a fracture of a part of the body.
Second degree vehicular assault is a class C, seriousness level IV felony.

FISCAL NOTE: Requested on January 19, 2000.

EFFECTIVE DATE: Ninety days after adjournment of a session in which bill is passed.