

HOUSE BILL REPORT

HB 1308

As Reported by House Committee On:
Judiciary

Title: An act relating to vehicular homicide.

Brief Description: Increasing penalties for vehicular homicide while intoxicated.

Sponsors: Representatives Benson, O'Brien, Marine, Sump, Ballasiotes, Pearson, Pennington, DeBolt, Esser, Ahern, Bush, Lovick, Clements, Cox, Crouse, D. Schmidt, Campbell, Woods, Schindler, Santos, Edwards, Mielke, Conway, Rockefeller, Mulliken and Haigh.

Brief History:

Committee Activity:

Judiciary: 2/9/01, 2/22/01 [DP].

Brief Summary of Bill

- Raises the seriousness level of the crime of vehicular homicide while intoxicated from a level IX to a level XI offense.
- Includes vehicular homicide while intoxicated in the definition of serious violent offense.—

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 9 members: Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt, Casada, Esser, Lovick and McDermott.

Minority Report: Do not pass. Signed by 1 member: Representative Dickerson.

Staff: Edie Adams (786-7180).

Background:

A person commits the crime of vehicular homicide if the person's driving of a vehicle causes the death of another person and if the person was driving the vehicle: (1) while

under the influence of alcohol or drugs; or (2) in a reckless manner; or (3) with disregard for the safety of others. Vehicular homicide is a class A felony.

Adults who are convicted of felony crimes are sentenced under the provisions of the Sentencing Reform Act (SRA). The SRA specifies a standard sentence range based on the seriousness of the current offense and the offender's prior criminal history score. The sentencing judge will sentence the offender to a period of confinement within that standard range. Under certain circumstances a sentencing judge may impose an exceptional sentence that falls outside the standard range. In addition, there are a number of sentence enhancements that must be imposed under certain circumstances. For an offense of vehicular homicide while intoxicated, there is a two-year enhancement for each prior DUI-related offense.

An offender's score is determined by past convictions. Most convictions count as one point, but some may count as two. The offender score for a current offense of vehicular homicide is determined under the rules for calculating offender scores for felony traffic offenses. Under these rules, a prior vehicular homicide or vehicular assault counts as two points. Prior serious traffic offenses, which are non-felony crimes, also count when the current offense is a felony traffic offense. Serious traffic offenses include DUI, reckless driving, and hit-and-run driving.

Vehicular homicide while intoxicated is ranked at seriousness level IX under the SRA. At this level, a person who has no prior criminal history would receive a standard range sentence of 31-41 months.

The Legislature has classified certain serious crimes as serious violent offenses. A serious violent offense means: first- and second-degree murder; homicide by abuse; the first-degree offenses of manslaughter, assault, assault of a child, kidnapping and rape; and any attempt, solicitation, or conspiracy to commit any of these offenses.

Summary of Bill:

The seriousness level of the crime of vehicular homicide while intoxicated is increased from a level IX to a level XI. At level XI, an offender who has no prior criminal history would receive a standard range sentence of 78-102 months.

Vehicular homicide while intoxicated is included in the definition of serious violent offense.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Under the current law, a person convicted of vehicular homicide would only serve one and one-half to two years when good time and community placement are considered. This is not adequate punishment for someone who takes another's life. Efforts to increase punishment of people who drink and drive have been effective, but they haven't gone far enough. Stronger penalties are needed to get drunken drivers off the road.

Testimony Against: None.

Testified: Representative Benson, prime sponsor; and Wayne Smith, Mothers Against Drunk Driving, Washington Chapter.