

HOUSE BILL REPORT

HB 1280

As Passed Legislature

Title: An act relating to ranking the crime of hit and run.

Brief Description: Increasing the seriousness ranking for hit and run death.

Sponsors: By Representatives Simpson, Ballasiotes, O'Brien, Cairnes, Lovick, Santos, Armstrong, Campbell and Keiser.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/31/01, 2/7/01 [DP].

Floor Activity:

Passed House: 3/9/01, 98-0.

Passed Senate: 4/4/01, 40-7.

Passed Legislature.

<h3>Brief Summary of Bill</h3>

- Increases the penalty for hit-and-run resulting in death.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes, Kagi, Kirby and Morell.

Staff: Matthew Zuchetto (786-7291).

Background:

Under the Sentencing Reform Act (SRA) an offender convicted of a felony is subject to a standard sentence range based on the offender's prior convictions and seriousness of the offense.

Crimes are categorized into one of 16 seriousness levels— depending on the seriousness of the offense, from level I, punishable by zero days to 29 months imprisonment, to level XVI, punishable by life imprisonment without parole or by death. An adult offender is

also assigned an offender score— generally based on the number of the offender’s prior convictions.

A table that matches seriousness level— of the crime with the offender score— is used to determine what sentence the offender will receive, unless the court determines that the conditions for imposing an exceptional sentence are met.

A driver of a vehicle involved in an accident must remain at the scene and provide required information, including the driver’s name, address, and insurer, to any person struck or injured or any person occupying a vehicle that has been 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 an accident resulting in death is a class B felony ranked at level VIII on the sentencing grid. The presumptive sentence range for a level VIII offender with no prior criminal history, is 21 to 27 months.

Summary of Bill:

The penalty for hit-and-run resulting in death is increased from seriousness level— level VIII to seriousness level— level IX. Accordingly, the presumptive sentence range for an offender with no prior criminal history increases from 21 to 27 months to 31 to 41 months.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The circumstances that currently exist create a loophole. If a person is involved in an accident in which death occurs and the person leaves the scene, the person will receive a lesser sentence than if he or she remained at the scene of the accident, assuming the person left the scene because he or she was under the influence of alcohol. This is because the sentencing grid punishes vehicular homicide in which the person is under the influence of alcohol at seriousness level IX, but hit-and-run resulting in death is punished at seriousness level VIII. The bill equalizes the penalty for hit-and-run resulting in death with vehicular homicide, thereby removing the incentive for a person to leave the scene of an accident when they are under the influence of alcohol.

Testimony Against: None.

Testified: Representative Simpson, prime sponsor; and Dennis Thueringer, citizen.