

Judiciary Committee

HB 1308

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 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.–*

Hearing Date: *2/9/01*

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: Requested on February 2, 2001.

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