

Judiciary Committee

HB 1649

Title: An act relating to hit and run causing injury to the body of a deceased person.

Brief Description: Including injury to the body of a deceased person within hit and run.

Sponsors: Representative Kessler.

Brief Summary of Bill

- *Makes it a class C felony for a driver to cause an injury to the body of a deceased person and then flee the scene.*

Hearing Date: 2/15/01

Staff: Matthew Zuchetto (786-7221); Edie Adams (786-7180).

Background:

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 remain at the scene in the case of an accident resulting in death is a class B felony. Failure to remain at the scene of an accident resulting in injury to a person is a class C felony.

In a recent case, the state court of appeals considered whether or not the term person— as used in the hit and run statute included a dead body. State v. Wagner, 97 Wn. App. 344, 984 P.2d 425 (Div. II 1999). The court concluded that the hit and run statute did not apply to a driver who hit the body of a person already deceased because a dead body is not a person.

Accordingly, because the statute makes it a crime for any hit and run causing injury to a

person, it is not a crime for a hit and run causing injury to the body of a deceased person.

Summary of Bill:

A driver who commits a hit and run causing an injury to the body of a deceased person is guilty of a class C felony.

Appropriation: None.

Fiscal Note: Not Requested.

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