

FINAL BILL REPORT

ESB 5790

C 300 L 01
Synopsis as Enacted

Brief Description: Revising provisions relating to vehicular assault.

Sponsors: Senators Kline, Costa, Shin, Sheahan, McCaslin, Deccio, Winsley and Constantine.

Senate Committee on Judiciary
House Committee on Judiciary

Background: Vehicular assault is described in current law as occurring when a person operates or drives a vehicle in a reckless manner and the conduct is the proximate cause of serious bodily injury to another. Vehicular assault also includes driving a vehicle while under the influence of intoxicating liquor or any drug and the conduct is the proximate cause of serious bodily injury to another. Serious bodily injury means a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body. Driving in a reckless manner is driving with willful or wanton disregard for the safety of persons or property.

Proponents of this bill believe if an individual's driving is anything less than reckless or if he or she causes anything less than serious bodily injuries, no adequate criminal charge is available. In addition, there is concern that proving recklessness is a very high burden and the definition of serious bodily injury requires such severe injuries that only the most egregious driving qualifies.

Summary: The crime of vehicular assault is committed by (1) driving a vehicle in a reckless manner and causing substantial bodily harm to another, (2) driving a vehicle while under the influence of liquor or any drug and causing substantial bodily harm to another, or (3) driving a vehicle with disregard for the safety of others and causing substantial bodily harm to another.

Vehicular assault by driving with disregard for the safety of others is ranked at seriousness level III for purposes of sentencing.

Vehicular assault is defined as a "most serious offense" when it is committed while under the influence of alcohol or any drug or by driving in a reckless manner.

Votes on Final Passage:

Senate	49	0	
House	96	0	(House amended)
Senate	48	0	(Senate concurred)

Effective: July 22, 2001

