

SENATE BILL REPORT

ESB 5790

As Passed Senate, March 13, 2001

Title: An act relating to vehicular assault.

Brief Description: Revising provisions relating to vehicular assault.

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

Brief History:

Committee Activity: Judiciary: 2/13/01, 2/27/01 [DP].

Passed Senate: 3/13/01, 49-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach and Zarelli.

Staff: Lidia Mori (786-7755)

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 of Bill: A person is guilty of vehicular assault in the first degree if he or she operates a vehicle in a reckless manner and causes substantial bodily harm to another or operates a vehicle while under the influence of liquor or any drug and causes substantial bodily harm to another. A person who operates a vehicle with criminal negligence and causes substantial bodily harm to another is guilty of vehicular assault in the second degree. Vehicular assault in the second degree is a class C felony.

Vehicular assault in the first degree is listed at seriousness level IV for purposes of sentencing. For purposes of juvenile dispositions, vehicular assault in the first degree is listed as a category C offense and vehicular assault in the second degree is a category D offense. Vehicular assault in the first degree is a serious offense and a violent offense but is not a

most serious offense. An occupational license is not available to a person convicted of vehicular assault in the first degree.

Appropriation: None.

Fiscal Note: Requested on February 9, 2001.

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

Testimony For: The prosecutors support the lowering of the injury requirement in the definition of vehicle assault as well as the removal of the causation language. This bill closes some serious gaps in Washington's laws pertaining to driving.

Testimony Against: None.

Testified: Tom McBride, Washington Association of Prosecuting Attorneys; Barbara Culp, Bicycle Alliance.

House Amendment(s): The offense of vehicular assault in the second degree is removed. A third way of committing the offense of vehicular assault is created. In addition to current law, a person commits the crime of vehicular assault by driving with disregard for the safety of others and causing substantial bodily harm to another. This is ranked at seriousness level III. Vehicular assault is defined as a most serious offense— if it is committed while under the influence of alcohol or any drug or by driving in a reckless manner.