
Judiciary Committee

HB 1266

Title: An act relating to vehicular homicide and assault by unlicensed or uninsured drivers.

Brief Description: Penalizing vehicular homicide and assault by unlicensed or uninsured drivers.

Sponsors: Representatives Sump, Bush, Condotta and Mielke.

Brief Summary of Bill

- Creates the new crimes of vehicular homicide without valid insurance or without a valid driver's license, and vehicular assault without valid insurance or without a valid driver's license.

Hearing Date: 2/6/03

Staff: Edie Adams (786-7180).

Background:

A person who drives in the state must obtain a valid driver's license and mandatory motor vehicle liability insurance. A person driving a vehicle without a valid driver's license is guilty of a misdemeanor offense, unless the person has an expired driver's license or valid identicard and is not in violation of driving with a suspended or revoked license, in which case the person is guilty of a traffic infraction.

A person's driver's license may be suspended or revoked for a myriad of reasons, a few of which are if the person:

- Has a conviction for any of a number of motor vehicle-related offenses, such as DUI or reckless driving;
- Is an habitual traffic offender;
- Fails to maintain liability insurance;
- Fails to respond to a traffic infraction or fails to pay traffic fines; and
- Fails to pay child support or comply with a visitation order.

The crimes of vehicular homicide and vehicular assault are committed if a person's driving of a vehicle causes the death of another person (for vehicular homicide), or if a person drives

a vehicle and causes substantial bodily harm (for vehicular assault), and if the person was driving the vehicle: (1) while under the influence of alcohol or drugs; (2) in a reckless manner; or (3) with disregard for the safety of others. Vehicular homicide is a class A felony and vehicular assault is a class B felony. These crimes are ranked at the following seriousness levels under the Sentencing Reform Act (SRA):

- Vehicular homicide while under the influence Level IX
- Vehicular homicide while driving recklessly Level VIII
- Vehicular homicide by disregard for the safety of others Level VII
- Vehicular assault while under the influence or reckless Level IV
- Vehicular assault by disregard for the safety of others Level III

Under the SRA, the current crimes of vehicular homicide and vehicular assault are included within the definition of "felony traffic offense." Crimes that are "felony traffic offenses" are subject to special rules for determining which of an offender's prior offenses will be included in the offender score and how each offense will be scored. Under these rules, a prior vehicular homicide or vehicular assault counts as two points, rather than one, and some non-felony traffic offenses are included (such as DUI, reckless driving, and hit-and-run driving).

Summary of Bill:

The new crimes of vehicular homicide without valid insurance or without a valid driver's license, and vehicular assault without valid insurance or without a valid driver's license are created.

The crimes of vehicular homicide without valid insurance and vehicular homicide without a valid driver's license are committed if a person's driving of a vehicle causes the death of another person and the person was driving without valid insurance or without a valid driver's license. Vehicular homicide without valid insurance and without a valid driver's license are class B felonies ranked at seriousness level VIII under the Sentencing Reform Act (SRA). At this seriousness level, the standard range sentence for a person with no prior offenses is 21-27 months.

The crimes of vehicular assault without valid insurance and vehicular assault without a valid driver's license are committed if a person drives a vehicle without valid insurance or without a valid driver's license and causes substantial bodily harm to another person. Vehicular assault without valid insurance and without a valid driver's license are class C felonies ranked at seriousness level IV under the SRA. At this seriousness level, the standard range sentence for a person with no prior offenses is three to nine months.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.