

HOUSE BILL REPORT

HB 2652

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to making persons convicted of felony hit and run ineligible for fifty percent earned release credits.

Brief Description: Making persons convicted of felony hit and run ineligible for fifty percent earned release credits.

Sponsors: Representatives O'Brien, Ahern, Kagi, Darneille, Simpson, G., Campbell and Lovick.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/28/04, 2/3/04 [DPS].

Brief Summary of Substitute Bill

- Makes offenders convicted of felony hit and run ineligible for 50 percent earned release credits.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Pearson and Veloria.

Staff: Jim Morishima (786-7191).

Background:

I. Earned Release

An offender incarcerated in state prison is eligible to accrue earned release credits for good behavior and good performance. An offender convicted of a serious violent or class A felony sex offense committed on or after July 1, 2003, may accrue earned release credits totaling no more than 10 percent of his or her total sentence. An offender convicted for an offense committed on or after July 1, 2003, may accrue earned release credits totaling no more than 50 percent of his or her total sentence if he or she:

- Is classified in the two lowest risk categories; and
- Has no current or prior conviction for a sex offense, a violent offense, a crime against persons, felony domestic violence, residential burglary, delivery or possession with

intent to delivery methamphetamine (or an attempt, solicitation, or conspiracy to do so), or delivery of a controlled substance to a minor (or an attempt, solicitation, or conspiracy to do so).

II. Hit and Run

A driver who is involved in an accident resulting in injury or death to any person, must stop his or her vehicle at the scene of the accident. The driver must then give his or her name, address, insurance company, insurance policy number, and vehicle license number to any person struck or injured and to the driver or occupant of the other vehicle or vehicles involved in the accident. The driver is also required to render reasonable assistance to any person injured in the accident. Failure to follow these requirements in an accident resulting in a death is a class B felony with a seriousness level of IX. Failure to follow these requirements in an accident resulting in an injury is a class C felony with a seriousness level of IV.

Summary of Substitute Bill:

An offender who has a current or prior conviction for hit and run when the accident in question resulted in death or injury is ineligible to receive 50 percent earned release credits. This decrease in eligibility only applies to offenders convicted of crimes committed on or after the effective date of the act.

Substitute Bill Compared to Original Bill:

The substitute bill makes persons with a current or prior conviction for felony hit and run ineligible for the 50 percent earned release credits (the original bill applied only to persons with a current conviction for felony hit and run). The substitute bill clarifies that the decrease in eligibility for 50 percent earned release only applies to offenders convicted on or after the effective date of the act.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: When the Legislature exempted certain types of crimes from eligibility for 50 percent earned release time, this was a crime that fell through the cracks. This bill will make it clear that offenders convicted of felony hit and run will be ineligible for 50 percent earned release.

Testimony Against: None.

Persons Testifying: Representative O'Brien, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.