

HOUSE BILL REPORT

HB 2705

As Reported by House Committee On:
Judiciary

Title: An act relating to the sentencing enhancement for vehicular homicide.

Brief Description: Revising the sentencing enhancement for vehicular homicide.

Sponsors: Representatives Lantz, Goodman, O'Brien, Rodne, Williams, Kirby, Sells, Hurst, Loomis, Simpson, VanDeWege, Ericks and Kelley.

Brief History:

Committee Activity:

Judiciary: 1/30/08, 2/4/08 [DPS].

Brief Summary of Substitute Bill

- Specifies that the two year sentencing enhancement for DUI-related vehicular homicide is not subject to earned early release time, and is mandatory, must be served in total confinement, and must run consecutive to all other sentences.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Flannigan, Kirby, Moeller, Pedersen, Ross and Williams.

Staff: Trudes Tango (786-7384).

Background:

A person is guilty of vehicular homicide if he or she proximately causes, within three years, the death of another by driving any vehicle: (a) while under the influence of intoxicating liquor or drug (DUI), (b) in a reckless manner, or (c) with disregard for the safety of others. Vehicular homicide by intoxicating liquor or drug is a class A felony and has a presumptive standard sentence of 31-41 months in prison for a first offense.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Under the Sentencing Reform Act (SRA), the court must impose imprisonment in addition to the standard sentencing range if specific conditions for sentencing enhancements are met. Sentencing enhancements apply, for example, if an offender is armed with a firearm or deadly weapon while committing certain felonies. Under the firearm and deadly weapon sentencing enhancement, the statutes explicitly state that the enhancement is mandatory, must be served in total confinement, and must run consecutively to all other sentences, unless the offender has been granted an extraordinary medical placement. Earned early release time, which reduces an offender's sentence based on good behavior, is not available for the portion of the offender's sentence that is a firearm or deadly weapon enhancement.

There is a two year sentencing enhancement for vehicular homicide committed while under the influence of intoxicating liquor or drugs. For each DUI-related "prior offense" the offender has, the sentencing court must impose an additional two years. Prior offenses, as defined under the DUI laws, include convictions for: (1) DUI; (2) vehicular homicide and vehicular assault if committed while under the influence; (3) negligent driving after having consumed alcohol ("wet neg"), reckless driving, and reckless endangerment if the original charge for any of those offenses was DUI; and (4) any equivalent local DUI ordinance or out-of-state law. In addition, a deferred prosecution for DUI or "wet neg" counts as a prior offense even if the charges are dropped after successful completion of the deferred prosecution treatment program.

The sentencing enhancement for DUI-related vehicular homicide does not explicitly state that the enhancement is mandatory, to be served in total confinement, and to run consecutively.

Summary of Substitute Bill:

The sentencing enhancement for DUI-related vehicular homicide shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions. Earned early release is not available for the portion of the offender's sentence that is a vehicular homicide enforcement.

Substitute Bill Compared to Original Bill:

The substitute bill amends the earned early release statute to explicitly state that earned early release cannot be applied to sentencing enhancements for vehicular homicide. The original bill only amended the vehicular homicide statute.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) There are still too many deaths caused by DUI, and the state must make an investment in preventing these deaths. It is an injustice to the victims when sentences are reduced. Each victim deserves to be recognized.

(Opposed) None.

Persons Testifying: Representative Lantz, prime sponsor; Seth Dawson, Washington Association for Substance Abuse; Richard Morrow; Kathleen Gilbert; Kathy and Gordon Schuster; Nora Sizemore; Joan Oquist; and Dave Johnson, Washington Coalition of Crime Victims.

Persons Signed In To Testify But Not Testifying: None.