
Judiciary Committee

HB 1646

Title: An act relating to vehicular homicide and vehicular assault sentences.

Brief Description: Increasing penalties for vehicular homicide and vehicular assault.

Sponsors: Representatives Orcutt, Ahern, Pearson, Hope, Klippert and McCune.

Brief Summary of Bill

- Raises the seriousness levels of the crimes of Vehicular Homicide and Vehicular Assault and establishes sentencing criteria for sentencing multiple current offenses of vehicular homicide.

Hearing Date: 2/14/11

Staff: Edie Adams (786-7180).

Background:

A person commits the crime of Vehicular Homicide if the person's driving of a vehicle proximately causes the death of another person and if the person was driving the vehicle: (1) while under the influence of alcohol or drugs; or (2) in a reckless manner; or (3) with disregard for the safety of others. Vehicular Homicide is a class A felony. Vehicular Homicide by intoxicating liquor or drug is ranked at a seriousness level of IX (31-41 months in prison for a first offense). Vehicular Homicide by driving recklessly is ranked at a seriousness level of VIII (21-27 months in prison for a first offense). Vehicular Homicide by driving with disregard for the safety of others is ranked at a seriousness level of VII (15-20 months in prison for a first offense).

A person commits the crime of Vehicular Assault if the person drives any vehicle and causes substantial bodily injury to another person while: (1) under the influence of alcohol or drugs; or (2) driving in a reckless manner; or (3) driving with disregard for the safety of others. Vehicular Assault is a class B felony. Vehicular Assault by intoxicating liquor or drug or by driving

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recklessly is ranked at a seriousness level of IV (3-9 months in jail for a first offense). Vehicular Assault by driving with disregard for the safety of others is ranked at a seriousness level of III (1-3 months in jail for a first offense).

When a court sentences an offender for multiple current offenses, the sentence range for each current offense is determined by using all other current and prior convictions as if they were prior convictions for purposes of calculating the offender score. The sentences for the current offenses generally run concurrently (simultaneously). There are some exceptions to this rule, for example when a person is convicted of two or more serious violent offenses. In this circumstance, the standard sentence range for the highest seriousness level offense is calculated using prior convictions and other current convictions that are not serious violent offenses, and other current serious violent offenses are calculated using an offender score of zero. The sentences for the current serious violent offenses run consecutively (one after the other), rather than concurrently.

Summary of Bill:

The seriousness level rankings for vehicular homicide and vehicular assault are increased, resulting in an increase in the standard sentence range for a first offense, as follows:

	SERIOUSNESS LEVEL		STANDARD SENTENCE FOR A FIRST OFFENSE	
	Current Law	HB 1646	Current Law	HB 1646
Vehicular Homicide (DUI)	IX	XI	31-41 months	78-102 months
Vehicular Homicide (Reckless)	VIII	XI	21-27 months	78-102 months
Vehicular Homicide (Disregard)	VII	VIII	15-20 months	21-27 months
Vehicular Assault (DUI)	IV	VI	3-9 months	12-14 months
Vehicular Assault (Reckless)	IV	VI	3-9 months	12-14 months
Vehicular Assault (Disregard)	III	IV	1-3 months	3-9 months

The rules for calculating the standard sentence range for multiple current offenses of vehicular homicide are revised. When a person is convicted of two or more counts of vehicular homicide, the standard sentence range for the first count is calculated using the offender's prior convictions and other current convictions that are not vehicular homicide in the offender score, and the standard sentence range for other current vehicular homicide convictions is determined using an offender score of zero. Sentences imposed for multiple current vehicular homicide convictions run consecutively.

Appropriation: None.

Fiscal Note: Requested on February 9, 2011.

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