
Judiciary Committee

HB 2216

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

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

Sponsors: Representatives Hurst, Pearson, Van De Wege, Dahlquist, Tharinger, Goodman, Johnson, Dammeier, Sells, Kelley, McCune and Kristiansen.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Raises the seriousness levels of the crimes of vehicular homicide and the crime of vehicular assault when committed while under the influence of alcohol or drugs.
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Hearing Date: 1/18/12

Staff: Edie Adams (786-7180).

Background:

An adult who is convicted of a felony crime is sentenced under the provisions of the Sentencing Reform Act (SRA). The SRA contains a sentencing grid that provides a standard sentence range based on the seriousness level of the current offense and the offender's prior criminal history score, which is calculated based on rules relating to the number and type of past convictions and the current conviction. The sentencing judge will sentence the offender to a period of confinement within that standard range. Under certain circumstances a sentencing judge may impose an exceptional sentence that falls outside the standard range.

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 while driving under the influence 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

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(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).

A person commits the crime of Vehicular Assault if the person drives any vehicle and causes substantial bodily injury to another person while: (1) driving 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 while driving under the influence is ranked at a seriousness level of IV (3-9 months in jail for a first offense).

Summary of Bill:

The seriousness level rankings for the crimes of vehicular homicide and the crime of vehicular assault while under the influence of alcohol or drugs are increased, resulting in an increase in the standard sentence range for a first offense, as indicated in the following table:

	SERIOUSNESS LEVEL		STANDARD SENTENCE FOR A FIRST OFFENSE	
	Current Law	HB 2216	Current Law	HB 2216
Vehicular Homicide (DUI)	IX	XI	31-41 months	78-102 months
Vehicular Homicide (Reckless)	VIII	X	21-27 months	51-68 months
Vehicular Homicide (Disregard)	VII	VIII	15-20 months	21-27 months
Vehicular Assault (DUI)	IV	V	3-9 months	6-12 months

Appropriation: None.

Fiscal Note: Requested on January 10, 2012.

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