

HOUSE BILL REPORT

2SHB 2216

As Passed Legislature

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

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

Sponsors: House Committee on Ways & Means (originally sponsored by Representatives Hurst, Pearson, Van De Wege, Dahlquist, Tharinger, Goodman, Johnson, Dammeier, Sells, Kelley, McCune and Kristiansen).

Brief History:

Committee Activity:

Judiciary: 1/18/12, 1/30/12 [DPS];

Ways & Means: 2/6/12, 2/7/12 [DP2S(w/o sub JUDI)].

Floor Activity:

Passed House: 2/13/12, 98-0.

Passed Senate: 3/1/12, 46-0.

Passed Legislature.

Brief Summary of Second Substitute Bill

- Raises the seriousness level for the crime of Vehicular Homicide by driving under the influence of alcohol or drugs.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Chandler, Eddy, Hansen, Kirby, Klippert, Nealey, Orwall, Rivers and Roberts.

Staff: Edie Adams (786-7180).

HOUSE COMMITTEE ON WAYS & MEANS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Judiciary. Signed

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by 26 members: Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle, Chandler, Cody, Haigh, Haler, Hinkle, Hudgins, Hunt, Kagi, Kenney, Ormsby, Parker, Pettigrew, Ross, Schmick, Seaquist, Springer, Sullivan and Wilcox.

Minority Report: Do not pass. Signed by 1 member: Representative Dickerson.

Staff: Alex MacBain (786-7288).

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; (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 of alcohol or drugs is ranked at a seriousness level of IX under the SRA. A person convicted of the crime who has no prior offenses that count towards the offender score would receive a standard sentence range of 31-41 months in prison.

Summary of Second Substitute Bill:

The seriousness level ranking for the crime of Vehicular Homicide while driving under the influence of alcohol or drugs is increased from a level IX to a level XI offense, resulting in a standard sentence range of 78-102 months for a person with no prior offenses.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony (Judiciary):

(In support) There is incredible trauma that happens when a family discovers that a loved one has been killed by a reckless or drunk driver. These are not accidents. The person makes the decision to drink and then drive knowing that there is a risk that he or she will hurt or kill

someone. For 20 years prosecutors have been hearing complaints about the inadequacy of Vehicular Homicide sentencing. The number one most difficult thing for a prosecutor is sitting down with the family members of a victim and having to tell them what the offender's sentence will be. This bill provides proportionality in our sentencing laws by ranking Vehicular Homicide similarly to Manslaughter. These cases should be treated the same as cases where a death is recklessly caused by a club or other instrumentality, rather than a car.

The fiscal impact of the bill will not be realized until out in the future. There should not be an impact on the local courts. There will be fewer trials because the larger sentencing range will create a much higher risk for an offender choosing to go to trial. Although this is not a good year to have a fiscal impact on the DOC, we have reached the point where this issue finally needs to be addressed. Any fiscal impact is offset by the important savings to society. You cannot put a value on our children, families, and friends.

(Opposed) None.

Staff Summary of Public Testimony (Ways & Means):

(In support) This bill has the endorsement of the Sentencing Guidelines Commission because it makes the crime of Vehicular Homicide proportional to other crimes with a loss of life such as Manslaughter. This bill is not a reaction to a particular case, but rather is a measured response to something that has been a problem for years because of the impact that this crime has on families.

(Opposed) None.

Persons Testifying (Judiciary): Representative Hurst, prime sponsor; Keri-Anne Jetzer, Sentencing Guidelines Committee; Tom McBride, Washington Association of Prosecuting Attorneys; and Amy Freedheim, King County Prosecutor's Office.

Persons Testifying (Ways & Means): Tom McBride, Washington Associations of Prosecuting Attorneys.

Persons Signed In To Testify But Not Testifying (Judiciary): None.

Persons Signed In To Testify But Not Testifying (Ways & Means): None.