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**Public Safety Committee**

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**HB 2507**

**Brief Description:** Increasing the punishment for vehicular homicide.

**Sponsors:** Representatives Klippert, Moscoso, Haler, Hayes and Morrell.

**Brief Summary of Bill**

- Imposes a 10-year sentencing enhancement (which is an increase from two years) for each prior Driving Under the Influence-related offense in a Vehicular Homicide.

**Hearing Date:** 2/4/14

**Staff:** Yvonne Walker (786-7841).

**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; (b) in a reckless manner; or (c) with disregard for the safety of others. Vehicular Homicide by intoxicating liquor or drug is a seriousness level XI, class A felony offense and it has a presumptive standard sentence of 78-102 months in prison for a first offense.

Under the Sentencing Reform Act, 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.

There is a two-year sentencing enhancement for a Vehicular Homicide offense that was committed while under the influence of intoxicating liquor or drugs. The sentencing court must impose an additional two years for each "prior" Driving Under the Influence (DUI)-related offense. 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

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Endangerment if the original charge for any of those offenses was DUI; (4) any equivalent local DUI ordinance or out-of-state law; and (5) any case where a deferred sentence was imposed in a prosecution for a Negligent Driving in the first degree offense, a Reckless Driving offense, or a Reckless Endangerment offense, when the original charge (which was pled down to a lesser charge) was filed as a DUI/PC offense or an equivalent ordinance, or a Vehicular Homicide, or Vehicular Assault offense. 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 confinement, and to run consecutively.

**Summary of Bill:**

The sentencing enhancement for a Vehicular Homicide offense that was committed while under the influence of alcohol or drugs is increased to 10 years (from two years). The 10-year enhancement must be imposed for each prior DUI-related offense. The sentencing enhancement is mandatory, must be served in total confinement, and must run consecutively to all other sentencing provisions.

**Appropriation:** None.

**Fiscal Note:** Requested on January 20, 2014.

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