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## Public Safety Committee

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### HB 2281

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

**Sponsors:** Representative Klippert.

Brief Summary of Bill
<ul style="list-style-type: none"><li>Imposes a 10-year sentencing enhancement in a Vehicular Homicide case where the person has a second or subsequent Vehicular Homicide conviction that was committed while the driver was impaired.</li></ul>



**Hearing Date:** 1/13/16

**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: (1) while under the influence of intoxicating liquor or drug (DUI); (2) in a reckless manner; or (3) 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 carries a presumptive standard sentence of 78-102 months in prison for a first offense. In addition, 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.

A Vehicular Homicide offense committed while under the influence of intoxicating liquor or drugs carries a two-year sentencing enhancement. The sentencing court must impose the sentencing enhancement for each "prior" impaired driving offense. The term "prior offense" is defined in statute and includes, but is limited to, convictions for: (a) DUI; (b) Vehicular Homicide and Vehicular Assault if either was committed while under the influence; (c) negligent driving after having consumed alcohol ("wet neg"), reckless driving, and reckless endangerment,

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if the original charge was DUI, Vehicular Homicide, or Vehicular Assault; and (d) an equivalent local DUI ordinance or out-of-state DUI 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 program.

All sentencing enhancements for a Vehicular Homicide offense are mandatory, must be served in confinement, and must run consecutively.

**Summary of Bill:**

The sentencing enhancement for a DUI-Vehicular Homicide offense is increased to 10 years. The 10-year sentence enhancement must be added to the standard sentence range and imposed for each prior DUI-Vehicular Homicide conviction.

**Appropriation:** None.

**Fiscal Note:** Requested on January 7, 2016.

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