

# HOUSE BILL REPORT

## HB 2281

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**As Reported by House Committee On:**  
Public Safety

**Title:** An act relating to increasing the punishment for vehicular homicide.

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

**Sponsors:** Representative Klippert.

**Brief History:**

**Committee Activity:**

Public Safety: 1/13/16, 1/22/16 [DPS].

**Brief Summary of Substitute Bill**

- Adds a 10-year sentencing enhancement, to the standard sentence for a Vehicular Homicide offense committed while under the influence of intoxicating liquor or any drug (Vehicular Homicide-DUI), for each prior Vehicular Homicide-DUI conviction.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Appleton, Griffey, Moscoso and Wilson.

**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

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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 can carry a two-year sentencing enhancement. The sentencing court must impose the two-year 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, 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.

The two-year sentencing enhancement for prior Vehicular Homicide-DUI offenses is mandatory, must be served in confinement, and must run consecutively to other sentencing provisions.

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**Summary of Substitute Bill:**

A 10-year sentence enhancement is established for prior Vehicular Homicide- DUI convictions. If a person is convicted of a Vehicular Homicide-DUI offense then, in addition to the standard sentence, he or she must receive a 10-year sentence enhancement for each and every prior Vehicular Homicide-DUI conviction. The enhancement is mandatory, must be served in confinement, and must run consecutively to all other sentencing provisions including other impaired driving enhancements.

**Substitute Bill Compared to Original Bill:**

The two-year sentence enhancement is restored in Vehicular Homicide-DUI cases that is imposed for other prior DUI offenses.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Under this bill, an additional 10 years shall be added to the sentence for a Vehicular Homicide conviction. This is a person that has not only killed someone else before with a car but they have also been convicted of it. Everyone should think about how it would

feel if a DUI driver took the life of someone important to themselves, especially when that DUI driver had previously killed another person and had been convicted of that crime. The sentence enhancement for Vehicular Homicide-DUI should be increased to 10 years because the two-year enhancement under current law is not sufficient.

(Opposed) None.

**Persons Testifying:** Representative Klippert, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.