

SENATE BILL REPORT

SSB 6219

As Passed Senate, February 10, 2016

Title: An act relating to sentencing for vehicular homicide.

Brief Description: Concerning vehicular homicide sentencing.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Brown, Angel, Padden, Hewitt, O'Ban, Roach and Pearson).

Brief History:

Committee Activity: Law & Justice: 1/14/16 [DP-WM].

Ways & Means: 1/26/16, 2/04/16 [DPS].

Passed Senate: 2/10/16, 49-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Frockt, Pearson and Roach.

Staff: Tim Ford (786-7423)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6219 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey, Becker, Billig, Brown, Conway, Darneille, Hasegawa, Hewitt, Nelson, O'Ban, Padden, Parlette, Pedersen, Rolfes, Schoesler and Warnick.

Staff: Travis Sugarman (786-7446)

Background: Certain felonious crimes are ranked according to their level of seriousness. The highest ranked felony is aggravated murder 1 with a seriousness level of XVI. The lowest ranked felonies include crimes like attempting to elude a pursuing police vehicle,

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which has a seriousness level of I. All ranked felonies are codified in law and are utilized, in conjunction with an offender score, to determine the standard sentence range for crimes.

A driver is guilty of vehicular homicide when an injury proximately caused by operating a vehicle results in the death of a person within three years of the incident. Vehicular homicide may be committed and charged in the three ways depicted in the following chart.

Vehicular Homicide.

Committed while Driving	Rank of Seriousness Level	Standard Sentence Range*
Under the influence of intoxicating liquor or drug	Level XI	78 -102 months
In a reckless manner	Level VIII	21 - 27 months
With disregard for the safety of others	Level VII	15 - 20 months

*This chart assumes the offender score is zero. If the offender score is greater than zero, then the standard sentence range increases.

A person is classified as driving "in a reckless manner" when that person knows of and disregards a substantial risk that a wrongful act may occur, and that disregard is a gross deviation from the conduct of a reasonable person in the same situation.

As a consequence of the different rankings, the standard sentence range will be different depending on how the crime is committed and charged.

Summary of Substitute Bill: Vehicular homicide while driving in a reckless manner is ranked at seriousness level of XI rather than level VIII. This is similar to the current ranking for vehicular homicide while driving under the influence of intoxicating liquor or any drug.

A mitigating circumstance is added for the court to consider when sentencing. A lesser sentence may be imposed if a person has never committed any other serious traffic offense and the sentence is clearly excessive.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Law & Justice): PRO: You never expect to bury a child. The criminal was sentenced to only 8.5 years in prison, the maximum allowable for vehicular homicide while driving recklessly, and he may be released after serving only 3.5 years. It was egregious, and the criminal was excessively speeding through a residential

area. The law should be changed so no one else has to go through this again. A person charged with manslaughter would get a greater sentence in prison and it also has the same element of recklessness. The law should be reconciled so that when a person kills another due to recklessness, the criminal sentence is the same regardless of whether the crime is manslaughter or vehicular homicide.

Persons Testifying (Law & Justice): PRO: Senator Sharon Brown, prime sponsor; Shawn Sant, Franklin County Prosecutor; John and Matthew Smith.

Persons Signed In To Testify But Not Testifying: No one.

Staff Summary of Public Testimony on Original Bill (Ways & Means): PRO: A person charged with manslaughter would get a greater sentence in prison and it also has the same element of recklessness. The law should be reconciled so that when a person kills another due to recklessness, the criminal sentence is the same regardless of whether the crime is manslaughter or vehicular homicide, the only difference is the person is in a vehicle. This offense should be treated the same as manslaughter 1. What can be done to support the change of law? I know Ways and Means have to weigh the cost to the state but I don't understand why cost comes is involved in having to keep a criminal longer. The longer sentence could also be used as a deterrent as well.

Persons Testifying on Original Bill (Ways & Means): PRO: Shawn Sant, Franklin County Prosecuting Attorney; John Smith.

Persons Signed In To Testify But Not Testifying on Original Bill: No one.