

FINAL BILL REPORT

SSB 6219

C 6 L 16

Synopsis as Enacted

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).

Senate Committee on Law & Justice

Senate Committee on Ways & Means

House Committee on Public Safety

House Committee on General Government & Information Technology

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, 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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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: 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.

Votes on Final Passage:

Senate	49	0
House	97	0

Effective: June 9, 2016