

HOUSE BILL REPORT

HB 1591

As Reported by House Committee On:
Public Safety

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

Brief Description: Increasing the punishment for vehicular assault.

Sponsors: Representatives Klippert and Hayes.

Brief History:

Committee Activity:

Public Safety: 2/7/17, 2/9/17 [DPS].

Brief Summary of Substitute Bill

- Requires triple scoring of prior Vehicular Assault and Vehicular Homicide convictions (three points for each conviction) when calculating an offender score for the sentencing of a present Vehicular Assault offense committed while under the influence of intoxicating liquor or drugs.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Chapman, Griffey, Holy, Orwall, Pettigrew and Van Werven.

Staff: Kelly Leonard (786-7147).

Background:

Vehicular Assault. A person is guilty of Vehicular Assault if he or she operates or drives any vehicle:

- in a reckless manner and causes substantial bodily harm to another;
- while under the influence of intoxicating liquor or drugs, and causes substantial bodily harm to another; or
- with disregard for the safety of others and causes substantial bodily harm to another.

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.

"Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part. In cases of Vehicular Assault with multiple victims, offenses against each victim may be charged as separate offenses, even if the victims occupied the same vehicle.

Sentencing. Under the Sentencing Reform Act, judges determine sentences for felony offenses by selecting a determinate sentence from a range provided in statute. Ranges are determined by reference to a sentencing grid, which is based on the seriousness level of the offense and the defendant's offender score.

Felonies are assigned seriousness levels in statute. Seriousness levels range from I to XVI, with level I being the least serious and level XVI being the most serious. Vehicular Assault is a level IV offense when committed by driving the vehicle in a reckless manner or while under the influence of intoxicating liquor or drugs (Vehicular Assault-DUI). Otherwise, it is a level III offense.

An offender score can vary from zero to nine-plus. A higher offender score results in a longer base sentence. There are several factors which affect the calculation of an offender's score: (1) the defendant's number of prior criminal convictions or juvenile dispositions; (2) the relationship between any prior offenses and the current offense; (3) the presence of multiple convictions in the present case; (4) the offender's community custody status at the time the crime was committed; and (5) the length of time between convictions. For most offenses, each prior felony conviction counts as one point. However, when the present conviction is a felony traffic offense, including Vehicular Assault-DUI, prior convictions of Vehicular Assault and Vehicular Homicide count as two points.

Below is an excerpt of the sentencing grid for seriousness level IV offenses, including the standard range for each corresponding offender score.

Range (months)	3-9	6-12	12-14	13-17	15-20	22-29	33-43	43-57	53-70	63-84
Score	0	1	2	3	4	5	6	7	8	9

Other sentencing factors can increase or decrease the base sentence. A sentencing enhancement of one year is added to the base sentence for Vehicular Assault-DUI when there is a child in the defendant's vehicle. A one-year enhancement is added for each child passenger under the age of 16 years. The enhancement is mandatory and must be served consecutively to all other sentencing requirements.

Vehicular Assault is a class B felony. Class B felonies are subject to a maximum of 10 years of confinement and a maximum a fine of \$20,000, regardless of other sentencing requirements.

Summary of Substitute Bill:

Prior Vehicular Assault and Vehicular Homicide convictions are triple scored (three points for each conviction) when calculating an offender score for the sentencing of a present Vehicular Assault-DUI conviction.

Substitute Bill Compared to Original Bill:

The substitute bill removes the mandatory five-year enhancement imposed for each prior conviction of Vehicular Assault-DUI created in the underlying bill.

The substitute bill requires triple scoring of prior Vehicular Assault and Vehicular Homicide convictions (three points for each conviction) when calculating an offender score for the sentencing of a present Vehicular Assault-DUI offense.

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) The bill is about making the citizens of Washington safer. If someone is convicted of Vehicular Assault-DUI, and they have done it before, then the prison sentence should send the message that the behavior is unacceptable.

(Opposed) None.

Persons Testifying: Representative Klippert, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.