
SENATE BILL 5648

State of Washington

65th Legislature

2017 Regular Session

By Senator Rolfes

Read first time 02/01/17. Referred to Committee on Law & Justice.

1 AN ACT Relating to vehicular homicide, barring use of the defense
2 of driving while under fatigue, drowsiness, or sleep, and increasing
3 the time period for license suspension; amending RCW 46.61.520 and
4 46.20.285; reenacting and amending RCW 9.94A.515; and prescribing
5 penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 46.61.520 and 1998 c 211 s 2 are each amended to
8 read as follows:

9 (1) When the death of any person ensues within three years as a
10 proximate result of injury proximately caused by the driving of any
11 vehicle by any person, the driver is guilty of vehicular homicide if
12 the driver was operating a motor vehicle:

13 (a) While under the influence of intoxicating liquor or any drug,
14 as defined by RCW 46.61.502; or

15 (b) In a reckless manner; or

16 (c) With disregard for the safety of others, which includes the
17 operation of a motor vehicle when the driver's ability to operate the
18 motor vehicle was impaired by fatigue, drowsiness, or sleep.

19 (2) Vehicular homicide is a class A felony punishable under
20 chapter 9A.20 RCW, except that, for a conviction under subsection

1 (1)(a) of this section, an additional two years shall be added to the
2 sentence for each prior offense as defined in RCW 46.61.5055.

3 **Sec. 2.** RCW 46.20.285 and 2005 c 288 s 4 are each amended to
4 read as follows:

5 The department shall revoke the license of any driver for the
6 period of one calendar year unless otherwise provided in this
7 section, upon receiving a record of the driver's conviction of any of
8 the following offenses, when the conviction has become final:

9 (1) For vehicular homicide the period of revocation shall be
10 (~~two~~) five years. The revocation period shall be tolled during any
11 period of total confinement for the offense;

12 (2) Vehicular assault. The revocation period shall be tolled
13 during any period of total confinement for the offense;

14 (3) Driving a motor vehicle while under the influence of
15 intoxicating liquor or a narcotic drug, or under the influence of any
16 other drug to a degree which renders the driver incapable of safely
17 driving a motor vehicle, for the period prescribed in RCW 46.61.5055;

18 (4) Any felony in the commission of which a motor vehicle is
19 used;

20 (5) Failure to stop and give information or render aid as
21 required under the laws of this state in the event of a motor vehicle
22 accident resulting in the death or personal injury of another or
23 resulting in damage to a vehicle that is driven or attended by
24 another;

25 (6) Perjury or the making of a false affidavit or statement under
26 oath to the department under Title 46 RCW or under any other law
27 relating to the ownership or operation of motor vehicles;

28 (7) Reckless driving upon a showing by the department's records
29 that the conviction is the third such conviction for the driver
30 within a period of two years.

31 **Sec. 3.** RCW 9.94A.515 and 2016 c 213 s 5, 2016 c 164 s 13, and
32 2016 c 6 s 1 are each reenacted and amended to read as follows:

33 TABLE 2

34 CRIMES INCLUDED WITHIN EACH
35 SERIOUSNESS LEVEL

36 XVI Aggravated Murder 1 (RCW 10.95.020)

1 XV Homicide by abuse (RCW 9A.32.055)
2 Malicious explosion 1 (RCW
3 70.74.280(1))
4 Murder 1 (RCW 9A.32.030)
5 XIV Murder 2 (RCW 9A.32.050)
6 Trafficking 1 (RCW 9A.40.100(1))
7 XIII Malicious explosion 2 (RCW
8 70.74.280(2))
9 Malicious placement of an explosive 1
10 (RCW 70.74.270(1))
11 XII Assault 1 (RCW 9A.36.011)
12 Assault of a Child 1 (RCW 9A.36.120)
13 Malicious placement of an imitation
14 device 1 (RCW 70.74.272(1)(a))
15 Promoting Commercial Sexual Abuse of
16 a Minor (RCW 9.68A.101)
17 Rape 1 (RCW 9A.44.040)
18 Rape of a Child 1 (RCW 9A.44.073)
19 Trafficking 2 (RCW 9A.40.100(3))
20 XI Manslaughter 1 (RCW 9A.32.060)
21 Rape 2 (RCW 9A.44.050)
22 Rape of a Child 2 (RCW 9A.44.076)
23 Vehicular Homicide, by being under the
24 influence of intoxicating liquor or
25 any drug (RCW 46.61.520)
26 Vehicular Homicide, by the operation of
27 any vehicle in a reckless manner
28 (RCW 46.61.520)
29 X Child Molestation 1 (RCW 9A.44.083)
30 Criminal Mistreatment 1 (RCW
31 9A.42.020)
32 Indecent Liberties (with forcible
33 compulsion) (RCW
34 9A.44.100(1)(a))
35 Kidnapping 1 (RCW 9A.40.020)

1 Leading Organized Crime (RCW
2 9A.82.060(1)(a))
3 Malicious explosion 3 (RCW
4 70.74.280(3))
5 Sexually Violent Predator Escape (RCW
6 9A.76.115)
7 IX Abandonment of Dependent Person 1
8 (RCW 9A.42.060)
9 Assault of a Child 2 (RCW 9A.36.130)
10 Explosive devices prohibited (RCW
11 70.74.180)
12 Hit and Run—Death (RCW
13 46.52.020(4)(a))
14 Homicide by Watercraft, by being under
15 the influence of intoxicating liquor
16 or any drug (RCW 79A.60.050)
17 Inciting Criminal Profiteering (RCW
18 9A.82.060(1)(b))
19 Malicious placement of an explosive 2
20 (RCW 70.74.270(2))
21 Robbery 1 (RCW 9A.56.200)
22 Sexual Exploitation (RCW 9.68A.040)
23 VIII Arson 1 (RCW 9A.48.020)
24 Commercial Sexual Abuse of a Minor
25 (RCW 9.68A.100)
26 Homicide by Watercraft, by the
27 operation of any vessel in a reckless
28 manner (RCW 79A.60.050)
29 Manslaughter 2 (RCW 9A.32.070)
30 Promoting Prostitution 1 (RCW
31 9A.88.070)
32 Theft of Ammonia (RCW 69.55.010)
33 VII Air bag diagnostic systems (causing
34 bodily injury or death) (RCW
35 46.37.660(2)(b))

1 Air bag replacement requirements
2 (causing bodily injury or death)
3 (RCW 46.37.660(1)(b))
4 Burglary 1 (RCW 9A.52.020)
5 Child Molestation 2 (RCW 9A.44.086)
6 Civil Disorder Training (RCW
7 9A.48.120)
8 Dealing in depictions of minor engaged
9 in sexually explicit conduct 1
10 (RCW 9.68A.050(1))
11 Drive-by Shooting (RCW 9A.36.045)
12 Homicide by Watercraft, by disregard
13 for the safety of others (RCW
14 79A.60.050)
15 Indecent Liberties (without forcible
16 compulsion) (RCW 9A.44.100(1)
17 (b) and (c))
18 Introducing Contraband 1 (RCW
19 9A.76.140)
20 Malicious placement of an explosive 3
21 (RCW 70.74.270(3))
22 Manufacture or import counterfeit,
23 nonfunctional, damaged, or
24 previously deployed air bag
25 (causing bodily injury or death)
26 (RCW 46.37.650(1)(b))
27 Negligently Causing Death By Use of a
28 Signal Preemption Device (RCW
29 46.37.675)
30 Sale, install, (~~or~~) or reinstall
31 counterfeit, nonfunctional,
32 damaged, or previously deployed
33 airbag (RCW 46.37.650(2)(b))
34 Sending, bringing into state depictions
35 of minor engaged in sexually
36 explicit conduct 1 (RCW
37 9.68A.060(1))

1 Unlawful Possession of a Firearm in the
2 first degree (RCW 9A.41.040(1))
3 Use of a Machine Gun in Commission
4 of a Felony (RCW 9A.41.225)
5 Vehicular Homicide, by disregard for
6 the safety of others, which includes
7 the operation of a motor vehicle
8 when the driver's ability to operate
9 the motor vehicle was impaired by
10 fatigue, drowsiness, or sleep (RCW
11 46.61.520)
12 VI Bail Jumping with Murder 1 (RCW
13 9A.76.170(3)(a))
14 Bribery (RCW 9A.68.010)
15 Incest 1 (RCW 9A.64.020(1))
16 Intimidating a Judge (RCW 9A.72.160)
17 Intimidating a Juror/Witness (RCW
18 9A.72.110, 9A.72.130)
19 Malicious placement of an imitation
20 device 2 (RCW 70.74.272(1)(b))
21 Possession of Depictions of a Minor
22 Engaged in Sexually Explicit
23 Conduct 1 (RCW 9.68A.070(1))
24 Rape of a Child 3 (RCW 9A.44.079)
25 Theft of a Firearm (RCW 9A.56.300)
26 Unlawful Storage of Ammonia (RCW
27 69.55.020)
28 V Abandonment of Dependent Person 2
29 (RCW 9A.42.070)
30 Advancing money or property for
31 extortionate extension of credit
32 (RCW 9A.82.030)
33 Air bag diagnostic systems (RCW
34 46.37.660(2)(c))
35 Air bag replacement requirements
36 (RCW 46.37.660(1)(c))

1 Bail Jumping with class A Felony
2 (RCW 9A.76.170(3)(b))
3 Child Molestation 3 (RCW 9A.44.089)
4 Criminal Mistreatment 2 (RCW
5 9A.42.030)
6 Custodial Sexual Misconduct 1 (RCW
7 9A.44.160)
8 Dealing in Depictions of Minor
9 Engaged in Sexually Explicit
10 Conduct 2 (RCW 9.68A.050(2))
11 Domestic Violence Court Order
12 Violation (RCW 10.99.040,
13 10.99.050, 26.09.300, 26.10.220,
14 26.26.138, 26.50.110, 26.52.070, or
15 74.34.145)
16 Driving While Under the Influence
17 (RCW 46.61.502(6))
18 Extortion 1 (RCW 9A.56.120)
19 Extortionate Extension of Credit (RCW
20 9A.82.020)
21 Extortionate Means to Collect
22 Extensions of Credit (RCW
23 9A.82.040)
24 Incest 2 (RCW 9A.64.020(2))
25 Kidnapping 2 (RCW 9A.40.030)
26 Manufacture or import counterfeit,
27 nonfunctional, damaged, or
28 previously deployed air bag (RCW
29 46.37.650(1)(c))
30 Perjury 1 (RCW 9A.72.020)
31 Persistent prison misbehavior (RCW
32 9.94.070)
33 Physical Control of a Vehicle While
34 Under the Influence (RCW
35 46.61.504(6))

1 Possession of a Stolen Firearm (RCW
2 9A.56.310)
3 Rape 3 (RCW 9A.44.060)
4 Rendering Criminal Assistance 1 (RCW
5 9A.76.070)
6 Sale, install, ~~((for))~~ or reinstall
7 counterfeit, nonfunctional,
8 damaged, or previously deployed
9 airbag (RCW 46.37.650(2)(c))
10 Sending, Bringing into State Depictions
11 of Minor Engaged in Sexually
12 Explicit Conduct 2 (RCW
13 9.68A.060(2))
14 Sexual Misconduct with a Minor 1
15 (RCW 9A.44.093)
16 Sexually Violating Human Remains
17 (RCW 9A.44.105)
18 Stalking (RCW 9A.46.110)
19 Taking Motor Vehicle Without
20 Permission 1 (RCW 9A.56.070)
21 IV Arson 2 (RCW 9A.48.030)
22 Assault 2 (RCW 9A.36.021)
23 Assault 3 (of a Peace Officer with a
24 Projectile Stun Gun) (RCW
25 9A.36.031(1)(h))
26 Assault by Watercraft (RCW
27 79A.60.060)
28 Bribing a Witness/Bribe Received by
29 Witness (RCW 9A.72.090,
30 9A.72.100)
31 Cheating 1 (RCW 9.46.1961)
32 Commercial Bribery (RCW 9A.68.060)
33 Counterfeiting (RCW 9.16.035(4))
34 Endangerment with a Controlled
35 Substance (RCW 9A.42.100)

1 Escape 1 (RCW 9A.76.110)
2 Hit and Run—Injury (RCW
3 46.52.020(4)(b))
4 Hit and Run with Vessel—Injury
5 Accident (RCW 79A.60.200(3))
6 Identity Theft 1 (RCW 9.35.020(2))
7 Indecent Exposure to Person Under Age
8 Fourteen (subsequent sex offense)
9 (RCW 9A.88.010)
10 Influencing Outcome of Sporting Event
11 (RCW 9A.82.070)
12 Malicious Harassment (RCW
13 9A.36.080)
14 Possession of Depictions of a Minor
15 Engaged in Sexually Explicit
16 Conduct 2 (RCW 9.68A.070(2))
17 Residential Burglary (RCW 9A.52.025)
18 Robbery 2 (RCW 9A.56.210)
19 Theft of Livestock 1 (RCW 9A.56.080)
20 Threats to Bomb (RCW 9.61.160)
21 Trafficking in Stolen Property 1 (RCW
22 9A.82.050)
23 Unlawful factoring of a credit card or
24 payment card transaction (RCW
25 9A.56.290(4)(b))
26 Unlawful transaction of health coverage
27 as a health care service contractor
28 (RCW 48.44.016(3))
29 Unlawful transaction of health coverage
30 as a health maintenance
31 organization (RCW 48.46.033(3))
32 Unlawful transaction of insurance
33 business (RCW 48.15.023(3))
34 Unlicensed practice as an insurance
35 professional (RCW 48.17.063(2))

1 Use of Proceeds of Criminal
2 Profiteering (RCW 9A.82.080 (1)
3 and (2))
4 Vehicle Prowling 2 (third or subsequent
5 offense) (RCW 9A.52.100(3))
6 Vehicular Assault, by being under the
7 influence of intoxicating liquor or
8 any drug, or by the operation or
9 driving of a vehicle in a reckless
10 manner (RCW 46.61.522)
11 Viewing of Depictions of a Minor
12 Engaged in Sexually Explicit
13 Conduct 1 (RCW 9.68A.075(1))
14 Willful Failure to Return from Furlough
15 (RCW 72.66.060)
16 III Animal Cruelty 1 (Sexual Conduct or
17 Contact) (RCW 16.52.205(3))
18 Assault 3 (Except Assault 3 of a Peace
19 Officer With a Projectile Stun Gun)
20 (RCW 9A.36.031 except subsection
21 (1)(h))
22 Assault of a Child 3 (RCW 9A.36.140)
23 Bail Jumping with class B or C Felony
24 (RCW 9A.76.170(3)(c))
25 Burglary 2 (RCW 9A.52.030)
26 Communication with a Minor for
27 Immoral Purposes (RCW
28 9.68A.090)
29 Criminal Gang Intimidation (RCW
30 9A.46.120)
31 Custodial Assault (RCW 9A.36.100)
32 Cyberstalking (subsequent conviction or
33 threat of death) (RCW 9.61.260(3))
34 Escape 2 (RCW 9A.76.120)
35 Extortion 2 (RCW 9A.56.130)
36 Harassment (RCW 9A.46.020)

1 Intimidating a Public Servant (RCW
2 9A.76.180)
3 Introducing Contraband 2 (RCW
4 9A.76.150)
5 Malicious Injury to Railroad Property
6 (RCW 81.60.070)
7 Mortgage Fraud (RCW 19.144.080)
8 Negligently Causing Substantial Bodily
9 Harm By Use of a Signal
10 Preemption Device (RCW
11 46.37.674)
12 Organized Retail Theft 1 (RCW
13 9A.56.350(2))
14 Perjury 2 (RCW 9A.72.030)
15 Possession of Incendiary Device (RCW
16 9.40.120)
17 Possession of Machine Gun or Short-
18 Barreled Shotgun or Rifle (RCW
19 9.41.190)
20 Promoting Prostitution 2 (RCW
21 9A.88.080)
22 Retail Theft with Special Circumstances
23 1 (RCW 9A.56.360(2))
24 Securities Act violation (RCW
25 21.20.400)
26 Tampering with a Witness (RCW
27 9A.72.120)
28 Telephone Harassment (subsequent
29 conviction or threat of death) (RCW
30 9.61.230(2))
31 Theft of Livestock 2 (RCW 9A.56.083)
32 Theft with the Intent to Resell 1 (RCW
33 9A.56.340(2))
34 Trafficking in Stolen Property 2 (RCW
35 9A.82.055)

1 Unlawful Hunting of Big Game 1 (RCW
2 77.15.410(3)(b))
3 Unlawful Imprisonment (RCW
4 9A.40.040)
5 Unlawful Misbranding of Food Fish or
6 Shellfish 1 (RCW 69.04.938(3))
7 Unlawful possession of firearm in the
8 second degree (RCW 9.41.040(2))
9 Unlawful Taking of Endangered Fish or
10 Wildlife 1 (RCW 77.15.120(3)(b))
11 Unlawful Trafficking in Fish, Shellfish,
12 or Wildlife 1 (RCW
13 77.15.260(3)(b))
14 Unlawful Use of a Nondesignated
15 Vessel (RCW 77.15.530(4))
16 Vehicular Assault, by the operation or
17 driving of a vehicle with disregard
18 for the safety of others (RCW
19 46.61.522)
20 Willful Failure to Return from Work
21 Release (RCW 72.65.070)
22 II Commercial Fishing Without a License
23 1 (RCW 77.15.500(3)(b))
24 Computer Trespass 1 (RCW 9A.90.040)
25 Counterfeiting (RCW 9.16.035(3))
26 Electronic Data Service Interference
27 (RCW 9A.90.060)
28 Electronic Data Tampering 1 (RCW
29 9A.90.080)
30 Electronic Data Theft (RCW 9A.90.100)
31 Engaging in Fish Dealing Activity
32 Unlicensed 1 (RCW 77.15.620(3))
33 Escape from Community Custody
34 (RCW 72.09.310)

1 Failure to Register as a Sex Offender
2 (second or subsequent offense)
3 (RCW 9A.44.130 prior to June 10,
4 2010, and RCW 9A.44.132)
5 Health Care False Claims (RCW
6 48.80.030)
7 Identity Theft 2 (RCW 9.35.020(3))
8 Improperly Obtaining Financial
9 Information (RCW 9.35.010)
10 Malicious Mischief 1 (RCW 9A.48.070)
11 Organized Retail Theft 2 (RCW
12 9A.56.350(3))
13 Possession of Stolen Property 1 (RCW
14 9A.56.150)
15 Possession of a Stolen Vehicle (RCW
16 9A.56.068)
17 Retail Theft with Special Circumstances
18 2 (RCW 9A.56.360(3))
19 Scrap Processing, Recycling, or
20 Supplying Without a License
21 (second or subsequent offense)
22 (RCW 19.290.100)
23 Theft 1 (RCW 9A.56.030)
24 Theft of a Motor Vehicle (RCW
25 9A.56.065)
26 Theft of Rental, Leased, Lease-
27 purchased, or Loaned Property
28 (valued at five thousand dollars or
29 more) (RCW 9A.56.096(5)(a))
30 Theft with the Intent to Resell 2 (RCW
31 9A.56.340(3))
32 Trafficking in Insurance Claims (RCW
33 48.30A.015)
34 Unlawful factoring of a credit card or
35 payment card transaction (RCW
36 9A.56.290(4)(a))

1 Unlawful Participation of Non-Indians
2 in Indian Fishery (RCW
3 77.15.570(2))
4 Unlawful Practice of Law (RCW
5 2.48.180)
6 Unlawful Purchase or Use of a License
7 (RCW 77.15.650(3)(b))
8 Unlawful Trafficking in Fish, Shellfish,
9 or Wildlife 2 (RCW
10 77.15.260(3)(a))
11 Unlicensed Practice of a Profession or
12 Business (RCW 18.130.190(7))
13 Voyeurism (RCW 9A.44.115)
14 I Attempting to Elude a Pursuing Police
15 Vehicle (RCW 46.61.024)
16 False Verification for Welfare (RCW
17 74.08.055)
18 Forgery (RCW 9A.60.020)
19 Fraudulent Creation or Revocation of a
20 Mental Health Advance Directive
21 (RCW 9A.60.060)
22 Malicious Mischief 2 (RCW 9A.48.080)
23 Mineral Trespass (RCW 78.44.330)
24 Possession of Stolen Property 2 (RCW
25 9A.56.160)
26 Reckless Burning 1 (RCW 9A.48.040)
27 Spotlighting Big Game 1 (RCW
28 77.15.450(3)(b))
29 Suspension of Department Privileges 1
30 (RCW 77.15.670(3)(b))
31 Taking Motor Vehicle Without
32 Permission 2 (RCW 9A.56.075)
33 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, Lease-
2 purchased, or Loaned Property
3 (valued at seven hundred fifty
4 dollars or more but less than five
5 thousand dollars) (RCW
6 9A.56.096(5)(b))
7 Transaction of insurance business
8 beyond the scope of licensure
9 (RCW 48.17.063)
10 Unlawful Fish and Shellfish Catch
11 Accounting (RCW 77.15.630(3)(b))
12 Unlawful Issuance of Checks or Drafts
13 (RCW 9A.56.060)
14 Unlawful Possession of Fictitious
15 Identification (RCW 9A.56.320)
16 Unlawful Possession of Instruments of
17 Financial Fraud (RCW 9A.56.320)
18 Unlawful Possession of Payment
19 Instruments (RCW 9A.56.320)
20 Unlawful Possession of a Personal
21 Identification Device (RCW
22 9A.56.320)
23 Unlawful Production of Payment
24 Instruments (RCW 9A.56.320)
25 Unlawful Releasing, Planting,
26 Possessing, or Placing Deleterious
27 Exotic Wildlife (RCW
28 77.15.250(2)(b))
29 Unlawful Trafficking in Food Stamps
30 (RCW 9.91.142)
31 Unlawful Use of Food Stamps (RCW
32 9.91.144)
33 Unlawful Use of Net to Take Fish 1
34 (RCW 77.15.580(3)(b))
35 Unlawful Use of Prohibited Aquatic
36 Animal Species (RCW
37 77.15.253(3))

1

Vehicle Prowl 1 (RCW 9A.52.095)

2

Violating Commercial Fishing Area or

3

Time 1 (RCW 77.15.550(3)(b))

--- **END** ---