

HOUSE BILL REPORT

HB 1967

As Passed House:

February 8, 2024

Title: An act relating to excluding any person who is convicted of a hit and run resulting in death from being eligible for a first-time offender waiver.

Brief Description: Excluding any person who is convicted of a hit and run resulting in death from being eligible for a first-time offender waiver.

Sponsors: Representatives Jacobsen, Couture, Graham and Caldier.

Brief History:

Committee Activity:

Community Safety, Justice, & Reentry: 1/25/24, 1/30/24 [DP].

Floor Activity:

Passed House: 2/8/24, 96-1.

Brief Summary of Bill

- Prohibits a defendant who is convicted of Hit and Run resulting in a death from being eligible for a first-time offender waiver.

HOUSE COMMITTEE ON COMMUNITY SAFETY, JUSTICE, & REENTRY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Simmons, Vice Chair; Mosbrucker, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Davis, Farivar, Fosse, Graham and Ramos.

Staff: Corey Patton (786-7388).

Background:

Classification of Crimes.

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

Crimes are classified as misdemeanors, gross misdemeanors, or class A, B, or C felonies. While there are exceptions, the classification of a crime generally determines the maximum term of confinement and fine for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

Classification	Maximum Confinement	Maximum Fine
Misdemeanor	90 Days	\$1,000
Gross Misdemeanor	364 Days	\$5,000
Class C Felony	5 Years	\$10,000
Class B Felony	10 Years	\$20,000
Class A Felony	Life	\$50,000

For most felony offenses, the Sentencing Reform Act determines a specific sentence range within the statutory maximum according to a sentencing grid. The sentencing grid provides a standard range of months for the sentence, based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the person's criminal history.

Hit and Run.

When a driver of a vehicle is involved in an accident that results in injury to or death of any person, or involves striking the body of a deceased person, the driver must immediately stop at the scene and provide the driver's name, address, insurance company, insurance policy number, vehicle license number, and driver's license to any person struck, injured, or occupying a vehicle that has been struck. The driver must also provide reasonable assistance to any person injured in the accident. Failing to stop or comply with these requirements, otherwise referred to as a Hit and Run, is a class B felony offense ranked at seriousness level IX if the accident results in a death. A driver who is incapable of complying with these requirements due to injuries sustained in the accident is not subject to liability.

First-Time Offender Waiver.

A defendant convicted of a felony offense may be eligible for a first-time offender waiver if the defendant has never been previously convicted of a felony or participated in a deferred prosecution for a felony, and the current conviction is not for:

- a violent offense;
- a sex offense;
- the manufacture, delivery, or sale of certain controlled substances; or
- a felony Driving Under the Influence or Physical Control offense.

In sentencing a first-time offender, the court may waive the standard sentence and instead impose a sentence of up to 90 days confinement and up to six months of community custody, or up to one year of community custody if the court also orders treatment. The

court may also order the defendant to pay all court-ordered legal financial obligations or perform community restitution.

Summary of Bill:

The list of felony offenses that are ineligible for a first-time offender waiver is expanded to include Hit and Run resulting in a death.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) A first-time offender waiver cannot be used for a felony Driving Under the Influence offense, but it can be used for Hit and Run. Currently, a person may receive 33 months in prison for Hit and Run resulting in a death. However, it is very likely the person will not receive that much time if the person qualifies for a waiver. In 2022, 11 people were convicted of Hit and Run resulting in a death and three of those people were eligible for and received a waiver. Those three people were sentenced to no more than 90 days. People have suffered greatly due to the loss of family members from Hit and Run offenses. An accident becomes murder when a person decides to drive off, leaving someone to die in the street. There is no justice in such situations.

(Opposed) None.

(Other) Deaths caused by Hit and Run offenses are heartbreaking and morally reprehensible. However, the crime of Hit and Run is based in the act of running; it does not matter who is at fault in the accident. For example, a person who freaks out and leaves the scene of an accident that the person did not cause could still be found responsible for a Hit and Run offense and receive prison time unless afforded a first-time offender waiver. Currently, the crime of Vehicular Homicide involving disregard for the safety of others is also eligible for a waiver. One option might be to only prohibit the use of a waiver for Hit and Run resulting in a death if the person is also charged with Vehicular Homicide. That would limit the person from getting a full waiver if the person is feloniously liable and at fault for the accident.

Persons Testifying: (In support) Representative Cyndy Jacobsen, prime sponsor; and Maggie O'Grady.

(Other) Amy Freedheim, King County Prosecuting Attorney's Office.

Persons Signed In To Testify But Not Testifying: None.