

# SENATE BILL REPORT

## HB 1967

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As of February 15, 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:** Passed House: 2/8/24, 96-1.

**Committee Activity:** Law & Justice: 2/16/24.

### Brief Summary of Bill

- Disqualifies a person convicted of hit and run resulting in a death from receiving a first-time offender waiver.

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## SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Joe McKittrick (786-7287)

**Background:** Hit and Run. The driver of any vehicle involved in an accident resulting in an injury or death of any person or involving the striking of the body of a deceased person, must immediately stop at the scene and remain there until the driver has provided their name, address, insurance policy number, and vehicle license number to the injured person or any person attending to the scene of the accident. The driver must also show their driver's license and must render reasonable assistance to any injured person. If the driver fails to comply with these requirements, and the accident results in a death, the driver is guilty of a class B felony; if the accident results in injury, the driver is guilty of a class C felony; and if the accident only involved striking a deceased person, the driver is guilty of a gross misdemeanor.

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*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.*

First-Time Offender Waiver. While the Sentencing Reform Act generally requires a court to sentence a person convicted of a felony within a standard sentencing range, determined by the seriousness of the crime and the person's criminal history, except in specific circumstances if the person has never been previously convicted of a felony and never participated in a deferred prosecution of a felony, the person may seek a first-time offender waiver.

If granted, the court may waive the imposition of a sentence within the standard range and impose a sentence of up to 90 days of confinement, up to six months of community custody, and payment of legal financial obligations. The court may also require the person to perform community service and may extend the community custody to 12 months if treatment is ordered. A court may not grant a first-time offender waiver to any person convicted of the following crimes:

- any crime classified as a violent offense or sex offense;
- manufacturing, delivering, or possessing with the intent to deliver a controlled substance; or
- a felony driving under the influence offense.

**Summary of Bill:** Courts are prohibited from granting a first-time offender waiver to any person convicted of hit and run resulting in death.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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