

# HOUSE BILL REPORT

## HB 2405

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**As Passed House:**  
February 13, 2012

**Title:** An act relating to ordering offenders convicted of vehicular homicide due to alcohol or drugs to pay child support for the victims' minor children.

**Brief Description:** Ordering offenders convicted of vehicular homicide due to alcohol or drugs to pay child support for the victims' minor children.

**Sponsors:** Representatives Goodman, Rodne, Hurst, Kelley, Pearson, Van De Wege, Fitzgibbon, Ormsby, Hasegawa, Pollet, Miloscia and Blake.

**Brief History:**

**Committee Activity:**

Judiciary: 1/18/12, 1/19/12 [DP].

**Floor Activity:**

Passed House: 2/13/12, 95-3.

**Brief Summary of Bill**

- Provides that restitution for Vehicular Homicide while driving under the influence may include payments to help support the minor children of the victim.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 10 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Shea, Assistant Ranking Minority Member; Eddy, Hansen, Kirby, Klippert, Nealey, Orwall and Rivers.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Roberts.

**Staff:** Trudes Tango (786-7384).

**Background:**

Vehicular Homicide While Driving Under the Influence.

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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 a part of the legislation nor does it constitute a statement of legislative intent.*

A person commits the crime of Vehicular Homicide if the person's driving of a vehicle proximately causes the death of another person and if the person was driving the vehicle: (1) while under the influence of alcohol or drugs; (2) in a reckless manner; or (3) with disregard for the safety of others.

#### Restitution.

When a defendant is convicted of a crime, the sentencing court may impose legal financial obligations as part of the judgment and sentence. Legal financial obligations include victim restitution. An offender's payments toward legal financial obligations are applied first to restitution and then proportionally to other monetary obligations after restitution has been satisfied.

The court must set a minimum monthly payment that the defendant must make towards the restitution. The court must take into consideration the total amount of the restitution owed, the defendant's present, past, and future ability to pay, as well as any assets that the defendant may have. Restitution must be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment of injuries, and lost wages due to injury. Restitution may not include damages for mental anguish or other intangible losses.

#### Child Support Limitations.

Under the child support schedule, a parent's child support obligation may not exceed 45 percent of the parent's net income. In addition, a parent's basic support obligation may not reduce the parent's net income below 125 percent of the federal poverty level, except for a presumptive minimum \$50 per child amount or when it would be unjust to apply the self-support reserve amount.

#### **Summary of Bill:**

Restitution for the crime of Vehicular Homicide while driving under the influence may include payments to help support the minor children of the victim of the vehicular homicide. "Minor children" means children under the age of 18 at the time restitution is ordered.

The court may order restitution irrespective of any court order or administrative order of support for the children. The sentencing court may use the child support schedule and worksheets, but the court is not restricted by limitations established under the child support schedule.

**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) Despite the progress made in reducing drunk driving, tragedies continue. The person who kills someone while driving drunk should pay child support to the victim's

children. This bill is about true accountability. When one parent is killed, the other parent must serve the role of two parents. The other parent is under their own kind of "prison sentence."

(Opposed) None.

**Persons Testifying:** Representative Goodman, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.