

HOUSE BILL REPORT

HB 2507

As Reported by House Committee On:
Public Safety

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

Brief Description: Increasing the punishment for vehicular homicide.

Sponsors: Representatives Klippert, Moscoso, Haler, Hayes and Morrell.

Brief History:

Committee Activity:

Public Safety: 2/4/14, 2/5/14 [DPS].

Brief Summary of Substitute Bill

- Imposes a 10-year sentencing enhancement for each prior Vehicular Homicide conviction that is Driving Under the Influence-related.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Goodman, Chair; Roberts, Vice Chair; Klippert, Ranking Minority Member; Appleton, Holy, Hope, Moscoso, Pettigrew, Ross and Takko.

Staff: Yvonne Walker (786-7841).

Background:

A person is guilty of Vehicular Homicide if he or she proximately causes, within three years, the death of another by driving any vehicle: (1) while under the influence of intoxicating liquor or drug; (2) in a reckless manner; or (3) with disregard for the safety of others. Vehicular Homicide by intoxicating liquor or drug is a seriousness level XI, class A felony offense, and it has a presumptive standard sentence of 78-102 months in prison for a first offense.

Under the Sentencing Reform Act, the court must impose imprisonment in addition to the standard sentencing range if specific conditions for sentencing enhancements are met.

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.

Sentencing enhancements apply, for example, if an offender is armed with a firearm or deadly weapon while committing certain felonies.

There is a two-year sentencing enhancement for a Vehicular Homicide offense that was committed while under the influence of intoxicating liquor or drugs. The sentencing court must impose an additional two years for each "prior" Driving Under the Influence (DUI)-related offense. Prior offenses, as defined under the DUI laws, include convictions for: (1) DUI; (2) Vehicular Homicide and Vehicular Assault if committed while under the influence; (3) Negligent Driving after having consumed alcohol ("wet neg"), Reckless Driving and Reckless Endangerment if the original charge for any of those offenses was DUI; (4) any equivalent local DUI ordinance or out-of-state law; and (5) any case where a deferred sentence was imposed in a prosecution for a Negligent Driving in the first degree offense, a Reckless Driving offense, or a Reckless Endangerment offense, when the original charge (which was pled down to a lesser charge) was filed as a DUI or Physical Control of Vehicle Under the Influence offense or an equivalent ordinance, or a Vehicular Homicide or Vehicular Assault offense. In addition, a deferred prosecution for DUI or "wet neg" counts as a prior offense even if the charges are dropped after successful completion of the deferred prosecution treatment program.

The sentencing enhancement for DUI-related Vehicular Homicide does not explicitly state that the enhancement is mandatory, to be served in confinement, and to run consecutively.

Summary of Substitute Bill:

A sentencing enhancement for a Vehicular Homicide offense is changed and increased if the crime was while under the influence of intoxicating liquor or drugs. A 10-year enhancement must be imposed for each prior DUI-vehicular homicide conviction. The sentencing enhancement is mandatory, must be served in total confinement, and must run consecutively to all other sentencing provisions.

Substitute Bill Compared to Original Bill:

The sentencing enhancements for prior DUI-related offenses is eliminated and instead, a 10-year sentencing enhancement is imposed for each prior DUI-vehicular homicide conviction.

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) During the DUI stakeholder meetings that met over the interim, this is a piece of legislation that was requested by the King County prosecutors. The intent is to impose a 10-year sentencing enhancement if a person has a second or subsequent Vehicular Homicide conviction.

(Opposed) None.

Persons Testifying: Representative Klippert, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.