

HOUSE BILL REPORT

ESHB 2227

As Passed Legislature

Title: An act relating to felony traffic offenses.

Brief Description: Changing provisions relating to felony traffic offenses.

Sponsors: By House Committee on Law & Justice (originally sponsored by Representatives Sterk, Sheahan, L. Thomas, Honeyford, Robertson, Stevens, Koster, Carlson, Thompson and Costa).

Brief History:

Committee Activity:

Law & Justice: 1/10/96, 1/16/96 [DPS].

Floor Activity:

Passed House: 2/2/96, 93-0.

Passed Legislature.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Murray; Robertson; Smith; Sterk and Veloria.

Staff: Pat Shelledy (786-7149).

Background: Vehicular homicide is a class B felony which carries a maximum penalty of 10 years in prison.

Vehicular assault is a class C felony which carries a maximum penalty of five years in prison.

In contrast, a class A felony carries a maximum penalty of life in prison.

Under current law, some offenders are sentenced to "community placement," which is a technical term for ordering the defendant to be in a form of custody while in the community or under supervision by the Department of Corrections following release from prison or other less restrictive confinement such as work release. For some

serious offenses, the period of community placement is longer than for most offenses, at least two years, or longer if the period of earned early release exceeds two years. Offenders convicted of the crimes of vehicular homicide and assault are not subject to an extended period of community placement.

If more than one victim is killed or injured during the vehicular assault or homicide, each death or assault may be a separate charge of vehicular assault or vehicular homicide, even if the victims occupied the same vehicle. However, for purposes of sentencing, those offenses involving victims in the same vehicle count as one crime. Consequently, the defendant's "offender score" will be lower than if each conviction counted as a separate offense. The judge may impose an exceptional sentence to account for multiple victims.

The Department of Licensing must revoke the license of a person convicted of vehicular homicide or vehicular assault. The revocation period for vehicular homicide is two years. The revocation period for vehicular assault is one year. The revocation period begins when the department receives the record of the driver's conviction. In some cases, the revocation period may be running while the offender is confined in jail or prison.

The Department of Licensing may not destroy records, within 10 years from the date of a conviction, adjudication, or deferred prosecution, of vehicular homicide and vehicular assault.

Summary of Bill: Vehicular homicide is raised to a class A felony.

Vehicular assault is raised to a class B felony.

The court must sentence an offender convicted of vehicular homicide or vehicular assault to community placement for up to two years, or up to the period of earned early release awarded, whichever is longer. All or a portion of that community placement may be spent in community custody in lieu of earned early release.

If more than one victim is killed or injured in the same vehicle, each death or assault will no longer be counted as one crime for purposes of sentencing. Instead, each conviction will count as a separate crime and will contribute to the offender's criminal history score.

The license revocation period for vehicular homicide and assault is tolled during the time period in which the defendant is in total confinement. The Department of Licensing must develop procedures to implement this provision.

The Department of Licensing may not destroy records of convictions or adjudications for vehicular homicide and vehicular assault for 10 years and must keep them on file permanently.

Appropriation: None.

Fiscal Note: Requested on January 7, 1996.

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

Testimony For: Drivers who commit vehicular assault or vehicular homicide are often repeat or DUI offenders, injure or kill multiple victims, are not treated as seriously as other offenders who kill innocent victims, and are not supervised on release.

Testimony Against: None.

Testified: Representative Mark Sterk, prime sponsor; Harry Kennedy, Spokane Police Department (pro); Dianne Dougherty, Spokane County Prosecutor's Office (pro); Doug and Lisa Eshelman, citizens (pro); and Thomas Ball, District and Municipal Court Judges Association (pro).