

SENATE BILL REPORT

ESHB 2227

As Reported By Senate Committee On:
Law & Justice, February 22, 1996
Ways & Means, February 26, 1996

Title: An act relating to felony traffic offenses.

Brief Description: Changing provisions relating to felony traffic offenses.

Sponsors: 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: 2/22/96 [DP-WM].
Ways & Means: 2/26/96 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Long, Roach and Schow.

Staff: Martin Lovinger (786-7443)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Loveland, Vice Chair; Bauer, Cantu, Drew, Finkbeiner, Fraser, Hargrove, Hochstatter, Johnson, Kohl, Long, McDonald, Pelz, Quigley, Roach, Sheldon, Snyder, Spanel, Strannigan, Sutherland, West, Winsley and Wojahn.

Staff: Bryon Moore (786-7726)

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.

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 is no longer counted as one crime for purposes of sentencing. Instead, each conviction counts as a separate crime and contributes 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: Available.

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

Testimony For: The bill provides very useful tools for fighting repeat offenders. It does a good job of addressing situations in which there is more than one victim.

Testimony Against: None.

Testified: Rep. Sterk, prime sponsor (pro).