

HOUSE BILL REPORT

HB 1165

As Amended by the Senate

Title: An act relating to homicide or assault by watercraft.

Brief Description: Creating the crimes of homicide by watercraft and assault by watercraft.

Sponsors: Representatives Backlund, O'Brien, Skinner, Cairnes, Dyer, Dunn, Lambert, Sherstad, Sterk, Delvin and Mielke.

Brief History:

Committee Activity:

Law & Justice: 1/31/97, 2/11/97 [DP].

Floor Activity:

Passed House: 2/28/97, 96-0;

Passed House: 1/12/98, 93-0.

Senate Amended.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

Staff: Bill Perry (786-7123).

Background: The state's motor vehicle code includes the crimes of "vehicular assault" and "vehicular homicide." Vehicular assault consists of causing serious bodily injury to another by driving in a reckless manner or under the influence of drugs or alcohol. Vehicular homicide consists of driving recklessly, or with disregard for the safety of others, or while under the influence of drugs or alcohol, and causing the death of another.

Vehicular assault is a class B felony ranked at level IV under the Sentencing Reform Act. Vehicular homicide is a class A felony ranked at level IX if committed while under the influence, ranked at level VIII if committed while driving recklessly, and ranked at level VII if committed while driving with disregard for the safety of others. Persons convicted of these crimes who are subsequently placed on community

supervision or community placement must submit to diagnostic evaluation and possible treatment for drug or alcohol problems.

Some of the state's motor vehicle laws have equivalent counterparts in the state's boating laws. For instance, there is a drunk boating provision similar to the drunk driving law, and there are boating hit and run laws similar to those that apply on the highways. However, there are no equivalents to vehicular assault and homicide in the boating laws.

Summary of Bill: The crimes of assault by watercraft and homicide by watercraft are created. The elements, classifications, rankings, and evaluation and treatment provisions for these crimes are the equivalents of those that apply to vehicular assault and homicide.

EFFECT OF SENATE AMENDMENT(S): The Senate amendment makes three changes. First, the operator of a vessel is not guilty of homicide or assault by watercraft if the injury or death is caused by a skier being towed by the vessel. Second, sailboards are exempted from the definition of vessel. Third, technical changes are made to update RCW sections amended in 1997.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill will close a loophole in the current law. The problem of deaths and injuries caused by drunken or reckless boaters is an increasingly serious one.

Testimony Against: Boating is not the same as driving a car. The bill would impose what amounts to strict liability on a boat operator, and boating is inherently more dangerous than driving a car.

Testified: Representative Backlund, prime sponsor; Sergeant John Miner, Redmond Police Department (pro); and Dave Williams, Recreational Boating Association and Washington Boating Safety Council (con).