

# HOUSE BILL REPORT

## SB 5570

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**As Reported By House Committee On:**  
Criminal Justice & Corrections

**Title:** An act relating to vehicular assault.

**Brief Description:** Expanding the definition of vehicular assault.

**Sponsors:** Senators Costa, Johnson, Kline, Honeyford, Kohl-Welles, Patterson, Gardner, Winsley and Oke; by request of Washington State Patrol.

**Brief History:**

**Committee Activity:**

Criminal Justice & Corrections: 3/30/99, 4/2/99 [DP].

### Brief Summary of Bill

- Expands the definition of vehicular assault to include operating a vehicle with disregard for the safety of others where the conduct causes serious bodily injury to another.

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## HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

**Staff:** Jean Ann Quinn (786-7310).

### Background:

A person commits the crime of vehicular assault if the person operates a motor vehicle in a reckless manner or while under the influence of drugs or alcohol, and this conduct causes serious bodily injury to another person. "Serious bodily injury" is defined to mean bodily injury which involves a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body. Vehicular assault is a class B felony.

The statute does not define "reckless manner." However, the courts have defined it as meaning a "heedless, careless, or rash manner or in a manner showing indifference to the consequences." *State v. Patridge*, 47 Wash. 2d 640 (1955).

The crime of vehicular homicide can be committed by driving in a reckless manner, while under the influence of drugs or alcohol, or with disregard for the safety of others.

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**Summary of Bill:**

The crime of vehicular assault is also committed if a person operates a motor vehicle with disregard for the safety of others, and this conduct causes serious bodily injury to another person. This change makes the vehicular assault statute parallel with the vehicular homicide statute.

The statutory element "with disregard for the safety of others" has been interpreted by the courts in the context of vehicular homicide as "implying an aggravated kind of negligence, falling short of recklessness, but more serious than ordinary negligence." *State v. Brooks*, 73 Wash. 2d 653 (1968).

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The bill was requested by the Washington State Patrol, and it simply aligns the vehicular assault statute with the vehicular homicide statute. There is no reason why a person should be held responsible for driving with disregard for the safety of others when it kills another person, but not be held responsible for the same conduct when it seriously injures another person.

**Testimony Against:** None.

**Testified:** Senator Costa, prime sponsor.