

SENATE BILL REPORT

SHB 1649

As Reported By Senate Committee On:
Judiciary, March 29, 2001

Title: An act relating to hit and run causing injury to the body of a deceased person.

Brief Description: Including striking the body of a deceased person within hit and run.

Sponsors: By House Committee on Judiciary (originally sponsored by Representative Kessler).

Brief History:

Committee Activity: Judiciary: 3/22/01, 3/29/01 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Costa, Hargrove, Kastama, Long, McCaslin, Thibaudeau and Zarelli.

Staff: Aldo Melchiori (786-7439)

Background: A driver of a vehicle involved in an accident must remain at the scene and provide required information, including the driver's name, address, and insurer, to any person struck or injured or any person occupying a vehicle that has been struck. The driver must also provide reasonable assistance to a person injured in an accident. A driver who is incapable of complying due to injuries sustained in the accident is not subject to penalty.

Failure to remain at the scene in the case of an accident resulting in death is a class B felony ranked at level VIII on the sentencing grid (21 to 27 months for a first offense). Failure to remain at the scene of an accident resulting in injury to a person is a class C felony ranked at level IV on the sentencing grid (3 to 9 months for a first offense).

In *State v. Wagner*, 97 Wn. App. 344 (1999), the state Court of Appeals (Div. II) concluded that the hit and run statute did not apply to a driver who hit the body of a person already deceased because a dead body is not a person.

Summary of Bill: A driver who commits a hit and run involving striking the body of a deceased person is guilty of a gross misdemeanor (up to 12 months incarceration).

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Hitting and running over a bicycle is a crime, but not hit and run involving a deceased person. Harm is still done to the family who thereafter lives with the memory. People need to be held accountable for their bad actions.

Testimony Against: None.

Testified: PRO: Representative Kessler; Jacqueline Russell; Joe Hawe, Clallam County Sheriff; David Ellefson, Clallam County Sheriff's Department.