

# FINAL BILL REPORT

## ESHB 2227

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C 199 L 96

Synopsis as Enacted

**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).

**House Committee on Law & Justice**  
**Senate Committee on Law & Justice**  
**Senate Committee on Ways & Means**

**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.

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 confinement. Offenders convicted of the crimes of vehicular homicide and assault are not subject to 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 presumptive term of confinement is 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:** 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 presumptive term of confinement.

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 and must keep them on file permanently.

**Votes on Final Passage:**

House	93	0
Senate	48	0

**Effective:** June 6, 1996