

# HOUSE BILL ANALYSIS

## SSB 5282

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**Title:** An act relating to hit and run involving death.

**Brief Description:** Extending the scope of hit and run involving death.

**Sponsors:** Senators Long, Hargrove, Schow, Zarelli and Winsley.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

**Staff:** Pat Shelledy (786-7149)

**Background:** A driver of a motor vehicle is guilty of vehicular homicide if another person is killed as a result of injury proximately caused by the driving of the motor vehicle and the driver either drove: (1) While under the influence of intoxicating liquor or any drug; (2) With disregard for the safety of others; or (3) In a reckless manner. Vehicular homicide is a class A felony. Under the Sentencing Reform Act (SRA), the penalty for vehicular homicide varies depending on whether the driver is convicted for driving while under the influence, recklessly, or with disregard for the safety of others. The seriousness level for driving with disregard for the safety of others is level VII. The presumptive standard range for a first time offender is 15-20 months in prison. The actual range depends on the offender's prior criminal history and whether there was more than one victim.

Any driver involved in an accident in which a person is injured or dies must stop and identify himself or herself and render reasonable assistance to any injured person. Failure to comply is a class C felony which carries a maximum penalty of five years in prison. Under the SRA, the crime is ranked at seriousness level IV which carries a presumptive standard range penalty of 3-9 months in jail for a first-time offender.

When a person leaves the scene of an accident in which a person dies, it may be difficult to prove vehicular homicide due to the person driving while under the influence because the person may not be apprehended until the alcohol or drugs are out of the person's system.

**Summary:** A driver is guilty of vehicular homicide if the person's driving proximately causes the death of another person involved in the accident and the driver flees the scene of the accident. Hit and run vehicular homicide- is ranked at level VII on the Sentencing Reform Act grid.

**Require the Exercise of Rule- Making Powers:** No.

**Fiscal Note:** Received on March 28, 1997.

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