

SENATE BILL REPORT

HB 1165

As Reported By Senate Committee On:
Law & Justice, January 21, 1998

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: 3/20/97; 1/16/98, 1/21/98 [DPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Kline, Long, McCaslin, Stevens and Zarelli.

Staff: Aldo Melchiori (786-7439)

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 Amended 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.

Vessel operators are not criminally responsible for the acts of skiers towed by the vessel.

Amended Bill Compared to Original Bill: The term vessel– does not include sailboards. When the injury or death is caused by a skier towed by a vessel, the vessel operator is not guilty of the crime.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill is needed to make boat operators accountable for their actions.

Testimony Against: None.

Testified: Representative Backlund, prime sponsor (pro).