

# HOUSE BILL ANALYSIS

## SB 5570

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**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.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

**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.

#### **Summary:**

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).

**Fiscal Note:** Available.

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

Office of Program Research