

HOUSE BILL REPORT

HB 1649

As Reported by House Committee On:
Judiciary

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

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

Sponsors: Representative Kessler.

Brief History:

Committee Activity:

Judiciary: 2/15/01, 2/22/01 [DPS].

Brief Summary of Substitute Bill

- Makes it a gross misdemeanor for a driver to strike the body of a deceased person and then flee the scene.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Casada, Esser, Lovick and McDermott.

Staff: Matthew Zuchetto (786-7221); Edie Adams (786-7180).

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. Failure to remain at the scene of an accident resulting in injury to a person is a

class C felony.

In a recent case, the state court of appeals considered whether or not the term person—as used in the hit and run statute included a dead body. *State v. Wagner*, 97 Wn. App. 344, 984 P.2d 425 (Div. II 1999). The court 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 under this statute.

Accordingly, because the statute makes it a crime for any hit and run causing injury to a person, it is not a crime for a hit and run causing injury to the body of a deceased person.

Summary of Substitute Bill:

A driver who commits a hit and run involving striking the body of a deceased person is guilty of a gross misdemeanor.

Substitute Bill Compared to Original Bill:

The original bill required injury to the body of a deceased person and made the crime a class C felony.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: This bill arose out of an incident where a high school student was killed, and a subsequent motorist hit the body of the deceased student. The court found that the hit and run statute did not apply because a deceased person is not considered a "person" under this law. If the motorist had hit the student's bicycle, a crime would have been committed. No one should hit a person, even if the person is deceased, and this is a wrong that needs to be righted.

Testimony Against: None.

Testified: Representative Kessler, prime sponsor; John Costaldi, Rainier Color, Inc., and Jacqueline Russell.