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## Public Safety Committee

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### HB 1591

**Brief Description:** Increasing the punishment for vehicular assault.

**Sponsors:** Representatives Klippert and Hayes.

#### Brief Summary of Bill

- Creates a mandatory five-year sentencing enhancement for a conviction of Vehicular Assault committed while under the influence of intoxicating liquor or any drug if the defendant has a prior conviction of Vehicular Assault committed while under the influence of intoxicating liquor or any drug.

**Hearing Date:** 2/7/17

**Staff:** Kelly Leonard (786-7147).

#### Background:

*Vehicular Assault.* A person is guilty of Vehicular Assault if he or she operates or drives any vehicle:

- in a reckless manner and causes substantial bodily harm to another;
- while under the influence of intoxicating liquor or any drug, and causes substantial bodily harm to another; or
- with disregard for the safety of others and causes substantial bodily harm to another.

"Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part. In cases of Vehicular Assault with multiple victims, offenses against each victim may be charged as separate offenses, even if the victims occupied the same vehicle.

*Sentencing.* Under the Sentencing Reform Act, judges determine sentences for felony offenses by selecting a determinate sentence from a range provided in statute. Ranges are determined by

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reference to a sentencing grid, which is based on the defendant's "offender score" and the "seriousness level" classification of the offense. Felonies are assigned seriousness levels in statute. Seriousness levels range from I to XVI, with level I being the least serious and level XVI being the most serious. Vehicular Assault is a level IV offense when committed by driving the vehicle in a reckless manner or while under the influence of intoxicating liquor or any drug. Otherwise, it is a level III offense.

A sentencing enhancement of one year is added to the base sentence for Vehicular Assault committed while under the influence of intoxicating liquor or any drug when there is a child in the defendant's vehicle. A one-year enhancement is added for each child passenger under the age of 16 years who is an occupant in the defendant's vehicle. The enhancement is mandatory and must be served consecutively to all other sentencing requirements.

Vehicular Assault is a class B felony. Class B felonies are subject to a maximum of 10 years of confinement and a maximum a fine of \$20,000, regardless of other sentencing requirements.

**Summary of Bill:**

If a person convicted of Vehicular Assault committed while under the influence of intoxicating liquor or any drug has any prior convictions of the same offense, including comparable out-of-state convictions, then he or she must receive a five-year sentence enhancement for each prior conviction.

The enhancement is mandatory, must be served in confinement, and must run consecutively to all other sentencing provisions, including other impaired driving enhancements.

**Appropriation:** None.

**Fiscal Note:** Requested on February 1, 2017.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.