

HOUSE BILL REPORT

HB 2621

As Reported by House Committee On:
Judiciary

Title: An act relating to requiring certain sentences for vehicular homicide and vehicular assault to run consecutively.

Brief Description: Requiring certain sentences for vehicular homicide and vehicular assault to run consecutively.

Sponsors: Representatives Hurst, Lantz and Simpson.

Brief History:

Committee Activity:

Judiciary: 1/30/08, 2/5/08 [DPS].

Brief Summary of Substitute Bill

- Requires, under certain circumstances, sentences for multiple convictions for Vehicular Assault and Vehicular Homicide to be served consecutively.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Kirby, Ross and Williams.

Minority Report: Do not pass. Signed by 3 members: Representatives Flannigan, Moeller and Pedersen.

Staff: Jim Morishima (786-7191).

Background:

A person is guilty of Vehicular Assault if he or she drives any vehicle and causes substantial bodily harm to another while: (a) under the influence of intoxicating liquor or drug; (b) driving recklessly; or (c) driving with disregard for the safety of others. Vehicular Assault by intoxicating liquor or drug or by driving recklessly is a class B felony with a seriousness level

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of IV (3-9 months in jail for a first offense). Vehicular Assault by driving with disregard for the safety of others is a class B felony with a seriousness level of III (1-3 months in jail for a first offense).

A person is guilty of Vehicular Homicide if he or she proximately causes, within three years, the death of another by driving any vehicle: (a) under the influence of intoxicating liquor or drug; (b) in a reckless manner; or (c) with disregard for the safety of others. Vehicular Homicide by intoxicating liquor or drug is a class A felony with a seriousness level of IX (31-41 months in prison for a first offense). Vehicular Homicide by driving recklessly is a class A felony with a seriousness level of VIII (21-27 months in prison for a first offense). Vehicular Homicide by driving with disregard for the safety of others is a class A felony with a seriousness level of VII (15-20 months in prison).

When a court sentences an offender for multiple offenses, the sentences for the offenses generally run concurrently (simultaneously). The sentences may, however, run consecutively (one after the other) under certain circumstances. For example, a court may impose consecutive sentences if certain aggravating circumstances are found to exist. Also, a court must impose consecutive sentences for serious violent offenses and firearms-related offenses under certain circumstances.

Summary of Substitute Bill:

A court must impose consecutive sentences for one or more convictions for Vehicular Assault by intoxicating liquor or drug, Vehicular Homicide by intoxicating liquor or drug, or a combination of the two offenses, unless the court finds by a preponderance of the evidence that imposition of consecutive sentences would be inconsistent with the purposes of the Sentencing Reform Act.

Substitute Bill Compared to Original Bill:

The substitute bill provides an exception to the requirement that consecutive sentences be imposed for Vehicular Homicide or Vehicular Assault when the court finds by a preponderance of the evidence that to do so would be inconsistent with the purposes of the Sentencing Reform Act. The substitute bill removes the requirement that the consecutive sentences arise from convictions involving the same criminal conduct. The substitute clarifies that the provisions allowing consecutive sentences for exceptional sentences and the provisions requiring consecutive sentences for Vehicular Homicide or Vehicular Assault are not related to each other.

Appropriation: None.

Fiscal Note: Requested on substitute bill on February 6, 2008.

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

Staff Summary of Public Testimony:

(In support) The sentences for vehicular homicide and vehicular assault involving multiple victims are too short, given the impact of the offenses on the families and friends of the victims. This makes the victims of these crimes feel like there is no justice and that deaths caused by drunk driving are trivialized. When multiple lives are taken, it is unjust to lump all of the sentences into one. This bill will give judges the ability to impose more appropriate sentences in these cases and will make Washington a leader in putting a stop to drunk driving. Although there is a fiscal cost to this bill, the state must invest in prevention because of the human cost of DUI.

(Opposed) Judges already have the authority to impose consecutive sentences in exceptional circumstances. This bill could make the sentences for Vehicular Homicide and Vehicular Assault more severe than sentences for violent offenses.

Persons Testifying: (In support) Representative Hurst, prime sponsor; Richard Morrow; Kathleen Gilbert; Kathy Schuster; Gordon Schuster; Nora Sizemore; and Joan Oquist.

(Opposed) Jean Soliz-Conklin, Sentencing Guidelines Committee.

Persons Signed In To Testify But Not Testifying: None.