

HOUSE BILL REPORT

SB 5711

As Passed House:

April 4, 2007

Title: An act relating to the offender score for offenses concerning the influence of intoxicating liquor or any drug.

Brief Description: Expanding the offender score to include offenses concerning the influence of intoxicating liquor or any drug.

Sponsors: By Senators Parlette, Delvin and Shin.

Brief History:

Committee Activity:

Judiciary: 3/28/07, 3/30/07 [DP].

Floor Activity:

Passed House: 4/4/07, 96-0.

Brief Summary of Bill

- Amends the method of calculating the offender score for persons convicted of felony traffic offenses, homicide by watercraft, and assault by watercraft.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 11 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Flannigan, Kirby, Moeller, Pedersen, Ross and Williams.

Staff: Trudes Tango (786-7384).

Background:

Offender Scores under Sentencing Reform Act

Under the Sentencing Reform Act (SRA), which governs sentencing for felony convictions, an offender's sentence is based on two main factors: the seriousness level of the current conviction and the offender's criminal history. The offender's criminal history is measured by his or her "offender score." Generally, the offender is given one point for each prior felony

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conviction, but the SRA requires double scoring for certain offenses. Prior misdemeanor offenses are generally not counted in the offender score, unless they are serious traffic offenses (such as DUI) and the current conviction is a felony traffic offense.

Calculating the offender score for a current felony traffic offense, such as vehicular homicide and vehicular assault, is as follows:

- count two points for each prior adult or juvenile conviction for vehicular homicide or vehicular assault;
- count one point for each prior adult felony conviction and 1/2 point for each prior juvenile felony conviction; and
- count one point for each prior adult serious traffic offense (includes misdemeanor DUI and reckless driving) and 1/2 point for each prior juvenile serious traffic offense.

Calculating the offender score when the current conviction is a "violent offense" as defined under the SRA is as follows:

- count two points for each prior adult and juvenile violent felony conviction; and
- count one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

Boating Offenses

Operating a recreational vessel while under the influence of intoxicating liquor or any drug is a misdemeanor.

A person commits assault by watercraft when he or she operates a vessel either in a reckless manner or under the influence of intoxicating liquor or any drug, and such conduct is the proximate cause of serious bodily injury to another. Assault by watercraft is a class B felony.

A person commits homicide by watercraft when he or she operates a vessel while under the influence of intoxicating liquor or any drug, or in a reckless manner, or with disregard for the safety of others, and the death of another person ensues within three years as a proximate result of injury proximately caused by the operation of the vessel. Homicide by watercraft is a class A felony (a violent offense under the SRA).

Summary of Bill:

The method of calculating the offender score for persons convicted of a felony traffic offense, homicide by watercraft, and assault by watercraft is amended.

A prior misdemeanor conviction of operating a vessel under the influence is counted as one point for each prior adult conviction and 1/2 point for each prior juvenile conviction if the present conviction is for a felony traffic offense.

Calculating the offender score for homicide by watercraft and assault by watercraft is similar to scoring for vehicular homicide and vehicular assault. If the present conviction is for homicide by watercraft or assault by watercraft:

- count two points for each prior adult or juvenile conviction of homicide by watercraft or assault by watercraft;
- count one point for each prior adult felony conviction and 1/2 point for each prior juvenile felony conviction; and
- count one point for each prior adult conviction for DUI or operation of a vessel under the influence, and 1/2 point for each juvenile prior conviction for DUI or operation of a vessel under the influence.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2007.

Staff Summary of Public Testimony:

(In support) If a person has a DUI on the water, it should count when the person gets a DUI on the road. Alcohol-related boating and car offenses should not be separate. If a person drinks and causes injury or death to another, that person should be held accountable. The problem of people getting drunk while boating has increased over the years.

(Opposed) None.

Persons Testifying: Senator Parlette, prime sponsor; Kathleen Morehead; and John Moore.

Persons Signed In To Testify But Not Testifying: None.