

SENATE BILL REPORT

SHB 2621

As of February 28, 2008

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: House Committee on Judiciary (originally sponsored by Representatives Hurst, Lantz and Simpson).

Brief History: Passed House: 2/18/08, 94-1.

Committee Activity: Judiciary: 2/29/08.

SENATE COMMITTEE ON JUDICIARY

Staff: Lidia Mori (786-7755)

Background: A person is guilty of vehicular assault if that person drives any vehicle and causes substantial bodily harm to another while:

- under the influence of intoxicating liquor or drug;
- driving recklessly; or
- 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 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 that person proximately causes, within three years, the death of another by driving any vehicle:

- under the influence of intoxicating liquor or drug;
- in a reckless manner; or
- 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).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

When a court sentences an offender for multiple offenses, the sentences for the offenses generally run concurrently. The sentences may, however, run consecutively under certain circumstances. 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 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.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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