

FINAL BILL REPORT

SB 5711

C 116 L 07

Synopsis as Enacted

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

Sponsors: Senators Parlette, Delvin and Shin.

Senate Committee on Judiciary

House Committee on Judiciary

Background: An offender's criminal history includes his or her prior adult convictions and juvenile court felony dispositions. Felony dispositions in juvenile court are counted as criminal history for purposes of adult sentencing, except under general "wash-out" provisions. The criminal history portion of an offender score may be calculated once prior convictions are determined. The rules for scoring prior convictions are contained in RCW 9.94A.525.

A serious traffic offense includes driving or actual physical control while under the influence of intoxicating liquor or any drug, reckless driving, or hit-and-run attended vehicle. In order to calculate the offender score of a person whose present conviction is for a felony traffic offense, one point is counted for each prior adult serious traffic conviction and a 1/2 point for each juvenile prior serious traffic conviction. Felony traffic offenses include vehicular homicide, vehicular assault, hit and run injury accident, and attempting to elude a pursuing police vehicle.

The crime of homicide by watercraft occurs when the death of any person ensues within three years as a proximate result of injury proximately caused by the operating of any vessel by any person. The operator of the vessel is guilty of homicide by watercraft if he or she was operating the vessel while under the influence of intoxicating liquor or any drug, in a reckless manner, or with disregard for the safety of others. If the homicide by watercraft occurs while the operator is under the influence of liquor or any drug, it is a class A felony, ranked at seriousness level IX.

Assault by watercraft occurs when a person operates any vessel in a reckless manner or while under the influence of intoxicating liquor or any drug and this conduct is the proximate cause of serious bodily injury to another. It is a class B felony and is ranked at seriousness level IV.

Summary: The criminal history portion of a person's offender score, if the present conviction is for a felony traffic offense, requires counting one point for each adult and 1/2 point for each juvenile prior conviction for operation of a vessel while under the influence of intoxicating liquor or any drug. If the present conviction is for homicide by watercraft or assault by watercraft, the criminal history portion of the offender's score includes two points for each adult or juvenile prior conviction for homicide by watercraft or assault by watercraft. If the present conviction is for homicide by watercraft or assault by watercraft, one point is counted

for each adult and 1/2 point for each juvenile prior felony offense. A present conviction of homicide by watercraft or assault by watercraft necessitates counting one point for each adult and 1/2 point for each juvenile prior conviction for driving or actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, or operation of a vessel while under the influence of intoxicating liquor or any drug.

Votes on Final Passage:

Senate	48	0
House	96	0

Effective: July 1, 2007