
Community Safety Committee

HB 1074

Brief Description: Excluding any person who is convicted of a hit and run resulting in death from being eligible for a first-time offender waiver.

Sponsors: Representatives Jacobsen, Schmidt, Burnett and Caldier.

Brief Summary of Bill

- Prohibits a defendant convicted of a Hit and Run resulting in a death from being eligible for a first-time offender waiver.

Hearing Date: 1/21/25

Staff: Corey Patton (786-7388).

Background:

Classification of Crimes.

Crimes are classified as misdemeanors, gross misdemeanors, or class A, B, or C felonies. While there are exceptions, the classification of a crime generally determines the maximum term of confinement and fine for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

| Classification | Maximum Confinement | Maximum Fine |
|-------------------|---------------------|--------------|
| Misdemeanor | 90 Days | \$1,000 |
| Gross Misdemeanor | 364 Days | \$5,000 |
| Class C Felony | 5 Years | \$10,000 |
| Class B Felony | 10 Years | \$20,000 |

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

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|----------------|------|----------|
| Class A Felony | Life | \$50,000 |
|----------------|------|----------|

For most felony offenses, the Sentencing Reform Act determines a specific sentence range within the statutory maximum according to a sentencing grid. The sentencing grid provides a standard range of months for the sentence, based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the person's criminal history.

Hit and Run.

When a driver of a vehicle is involved in an accident that results in injury to or death of any person, or involves striking the body of a deceased person, the driver must immediately stop at the scene and provide the driver's name, address, insurance company, insurance policy number, vehicle license number, and driver's license to any person struck, injured, or occupying a vehicle that has been struck. The driver must also provide reasonable assistance to any person injured in the accident. Failing to stop or comply with these requirements, otherwise referred to as a Hit and Run, is a class B felony offense ranked at seriousness level IX if the accident results in a death. A driver who is incapable of complying with these requirements due to injuries sustained in the accident is not subject to criminal liability.

First-Time Offender Waiver.

A defendant convicted of a felony offense may be eligible for a first-time offender waiver if the defendant has never been previously convicted of a felony or participated in a deferred prosecution for a felony, and the current conviction is not for:

- a violent offense;
- a sex offense;
- the manufacture, delivery, or sale of certain controlled substances; or
- a felony Driving Under the Influence or Physical Control offense.

In sentencing a first-time offender, the court may waive the standard sentence and instead impose a sentence of up to 90 days confinement and up to six months of community custody, or up to one year of community custody if the court also orders treatment. The court may also order the defendant to pay all court-ordered legal financial obligations or perform community restitution.

Summary of Bill:

The list of felony offenses that are ineligible for a first-time offender waiver is expanded to include Hit and Run resulting in a death.

Appropriation: None.

Fiscal Note: Requested on January 15, 2025.

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

passed.