
SUBSTITUTE HOUSE BILL 2507

State of Washington 63rd Legislature 2014 Regular Session

By House Public Safety (originally sponsored by Representatives Klippert, Moscoso, Haler, Hayes, and Morrell)

READ FIRST TIME 02/05/14.

1 AN ACT Relating to increasing the punishment for vehicular
2 homicide; amending RCW 46.61.520 and 9.94A.533; and prescribing
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.61.520 and 1998 c 211 s 2 are each amended to read
6 as follows:

7 (1) When the death of any person ensues within three years as a
8 proximate result of injury proximately caused by the driving of any
9 vehicle by any person, the driver is guilty of vehicular homicide if
10 the driver was operating a motor vehicle:

11 (a) While under the influence of intoxicating liquor or any drug,
12 as defined by RCW 46.61.502; or

13 (b) In a reckless manner; or

14 (c) With disregard for the safety of others.

15 (2) Vehicular homicide is a class A felony punishable under chapter
16 9A.20 RCW, except that, for a conviction under subsection (1)(a) of
17 this section, an additional ~~((two))~~ ten years shall be added to the
18 sentence for each prior ~~((offense as defined in RCW 46.61.5055))~~
19 vehicular homicide conviction pursuant to subsection (1)(a) of this

1 section. Notwithstanding any other provision of law, the additional
2 ten years imposed under this section are mandatory, shall be served in
3 total confinement, and shall run consecutively to all other sentencing
4 provisions for all offenses sentenced under this chapter.

5 **Sec. 2.** RCW 9.94A.533 and 2013 c 270 s 2 are each amended to read
6 as follows:

7 (1) The provisions of this section apply to the standard sentence
8 ranges determined by RCW 9.94A.510 or 9.94A.517.

9 (2) For persons convicted of the anticipatory offenses of criminal
10 attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the
11 standard sentence range is determined by locating the sentencing grid
12 sentence range defined by the appropriate offender score and the
13 seriousness level of the completed crime, and multiplying the range by
14 seventy-five percent.

15 (3) The following additional times shall be added to the standard
16 sentence range for felony crimes committed after July 23, 1995, if the
17 offender or an accomplice was armed with a firearm as defined in RCW
18 9.41.010 and the offender is being sentenced for one of the crimes
19 listed in this subsection as eligible for any firearm enhancements
20 based on the classification of the completed felony crime. If the
21 offender is being sentenced for more than one offense, the firearm
22 enhancement or enhancements must be added to the total period of
23 confinement for all offenses, regardless of which underlying offense is
24 subject to a firearm enhancement. If the offender or an accomplice was
25 armed with a firearm as defined in RCW 9.41.010 and the offender is
26 being sentenced for an anticipatory offense under chapter 9A.28 RCW to
27 commit one of the crimes listed in this subsection as eligible for any
28 firearm enhancements, the following additional times shall be added to
29 the standard sentence range determined under subsection (2) of this
30 section based on the felony crime of conviction as classified under RCW
31 9A.28.020:

32 (a) Five years for any felony defined under any law as a class A
33 felony or with a statutory maximum sentence of at least twenty years,
34 or both, and not covered under (f) of this subsection;

35 (b) Three years for any felony defined under any law as a class B
36 felony or with a statutory maximum sentence of ten years, or both, and
37 not covered under (f) of this subsection;

1 (c) Eighteen months for any felony defined under any law as a class
2 C felony or with a statutory maximum sentence of five years, or both,
3 and not covered under (f) of this subsection;

4 (d) If the offender is being sentenced for any firearm enhancements
5 under (a), (b), and/or (c) of this subsection and the offender has
6 previously been sentenced for any deadly weapon enhancements after July
7 23, 1995, under (a), (b), and/or (c) of this subsection or subsection
8 (4)(a), (b), and/or (c) of this section, or both, all firearm
9 enhancements under this subsection shall be twice the amount of the
10 enhancement listed;

11 (e) Notwithstanding any other provision of law, all firearm
12 enhancements under this section are mandatory, shall be served in total
13 confinement, and shall run consecutively to all other sentencing
14 provisions, including other firearm or deadly weapon enhancements, for
15 all offenses sentenced under this chapter. However, whether or not a
16 mandatory minimum term has expired, an offender serving a sentence
17 under this subsection may be granted an extraordinary medical placement
18 when authorized under RCW 9.94A.728(3);

19 (f) The firearm enhancements in this section shall apply to all
20 felony crimes except the following: Possession of a machine gun,
21 possessing a stolen firearm, drive-by shooting, theft of a firearm,
22 unlawful possession of a firearm in the first and second degree, and
23 use of a machine gun in a felony;

24 (g) If the standard sentence range under this section exceeds the
25 statutory maximum sentence for the offense, the statutory maximum
26 sentence shall be the presumptive sentence unless the offender is a
27 persistent offender. If the addition of a firearm enhancement
28 increases the sentence so that it would exceed the statutory maximum
29 for the offense, the portion of the sentence representing the
30 enhancement may not be reduced.

31 (4) The following additional times shall be added to the standard
32 sentence range for felony crimes committed after July 23, 1995, if the
33 offender or an accomplice was armed with a deadly weapon other than a
34 firearm as defined in RCW 9.41.010 and the offender is being sentenced
35 for one of the crimes listed in this subsection as eligible for any
36 deadly weapon enhancements based on the classification of the completed
37 felony crime. If the offender is being sentenced for more than one
38 offense, the deadly weapon enhancement or enhancements must be added to

1 the total period of confinement for all offenses, regardless of which
2 underlying offense is subject to a deadly weapon enhancement. If the
3 offender or an accomplice was armed with a deadly weapon other than a
4 firearm as defined in RCW 9.41.010 and the offender is being sentenced
5 for an anticipatory offense under chapter 9A.28 RCW to commit one of
6 the crimes listed in this subsection as eligible for any deadly weapon
7 enhancements, the following additional times shall be added to the
8 standard sentence range determined under subsection (2) of this section
9 based on the felony crime of conviction as classified under RCW
10 9A.28.020:

11 (a) Two years for any felony defined under any law as a class A
12 felony or with a statutory maximum sentence of at least twenty years,
13 or both, and not covered under (f) of this subsection;

14 (b) One year for any felony defined under any law as a class B
15 felony or with a statutory maximum sentence of ten years, or both, and
16 not covered under (f) of this subsection;

17 (c) Six months for any felony defined under any law as a class C
18 felony or with a statutory maximum sentence of five years, or both, and
19 not covered under (f) of this subsection;

20 (d) If the offender is being sentenced under (a), (b), and/or (c)
21 of this subsection for any deadly weapon enhancements and the offender
22 has previously been sentenced for any deadly weapon enhancements after
23 July 23, 1995, under (a), (b), and/or (c) of this subsection or
24 subsection (3)(a), (b), and/or (c) of this section, or both, all deadly
25 weapon enhancements under this subsection shall be twice the amount of
26 the enhancement listed;

27 (e) Notwithstanding any other provision of law, all deadly weapon
28 enhancements under this section are mandatory, shall be served in total
29 confinement, and shall run consecutively to all other sentencing
30 provisions, including other firearm or deadly weapon enhancements, for
31 all offenses sentenced under this chapter. However, whether or not a
32 mandatory minimum term has expired, an offender serving a sentence
33 under this subsection may be granted an extraordinary medical placement
34 when authorized under RCW 9.94A.728(3);

35 (f) The deadly weapon enhancements in this section shall apply to
36 all felony crimes except the following: Possession of a machine gun,
37 possessing a stolen firearm, drive-by shooting, theft of a firearm,

1 unlawful possession of a firearm in the first and second degree, and
2 use of a machine gun in a felony;

3 (g) If the standard sentence range under this section exceeds the
4 statutory maximum sentence for the offense, the statutory maximum
5 sentence shall be the presumptive sentence unless the offender is a
6 persistent offender. If the addition of a deadly weapon enhancement
7 increases the sentence so that it would exceed the statutory maximum
8 for the offense, the portion of the sentence representing the
9 enhancement may not be reduced.

10 (5) The following additional times shall be added to the standard
11 sentence range if the offender or an accomplice committed the offense
12 while in a county jail or state correctional facility and the offender
13 is being sentenced for one of the crimes listed in this subsection. If
14 the offender or an accomplice committed one of the crimes listed in
15 this subsection while in a county jail or state correctional facility,
16 and the offender is being sentenced for an anticipatory offense under
17 chapter 9A.28 RCW to commit one of the crimes listed in this
18 subsection, the following additional times shall be added to the
19 standard sentence range determined under subsection (2) of this
20 section:

21 (a) Eighteen months for offenses committed under RCW 69.50.401(2)
22 (a) or (b) or 69.50.410;

23 (b) Fifteen months for offenses committed under RCW 69.50.401(2)
24 (c), (d), or (e);

25 (c) Twelve months for offenses committed under RCW 69.50.4013.

26 For the purposes of this subsection, all of the real property of a
27 state correctional facility or county jail shall be deemed to be part
28 of that facility or county jail.

29 (6) An additional twenty-four months shall be added to the standard
30 sentence range for any ranked offense involving a violation of chapter
31 69.50 RCW if the offense was also a violation of RCW 69.50.435 or
32 9.94A.827. All enhancements under this subsection shall run
33 consecutively to all other sentencing provisions, for all offenses
34 sentenced under this chapter.

35 (7) An additional (~~two~~) ten years shall be added to the standard
36 sentence range for vehicular homicide committed while under the
37 influence of intoxicating liquor or any drug as defined by RCW
38 46.61.502 for each prior (~~offense as defined in RCW 46.61.5055~~)

1 vehicular homicide conviction pursuant to RCW 46.61.520(1)(a). All
2 enhancements under this subsection shall be mandatory, shall be served
3 in total confinement, and shall run consecutively to all other
4 sentencing provisions.

5 (8)(a) The following additional times shall be added to the
6 standard sentence range for felony crimes committed on or after July 1,
7 2006, if the offense was committed with sexual motivation, as that term
8 is defined in RCW 9.94A.030. If the offender is being sentenced for
9 more than one offense, the sexual motivation enhancement must be added
10 to the total period of total confinement for all offenses, regardless
11 of which underlying offense is subject to a sexual motivation
12 enhancement. If the offender committed the offense with sexual
13 motivation and the offender is being sentenced for an anticipatory
14 offense under chapter 9A.28 RCW, the following additional times shall
15 be added to the standard sentence range determined under subsection (2)
16 of this section based on the felony crime of conviction as classified
17 under RCW 9A.28.020:

18 (i) Two years for any felony defined under the law as a class A
19 felony or with a statutory maximum sentence of at least twenty years,
20 or both;

21 (ii) Eighteen months for any felony defined under any law as a
22 class B felony or with a statutory maximum sentence of ten years, or
23 both;

24 (iii) One year for any felony defined under any law as a class C
25 felony or with a statutory maximum sentence of five years, or both;

26 (iv) If the offender is being sentenced for any sexual motivation
27 enhancements under (a)(i), (ii), and/or (iii) of this subsection and
28 the offender has previously been sentenced for any sexual motivation
29 enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii)
30 of this subsection, all sexual motivation enhancements under this
31 subsection shall be twice the amount of the enhancement listed;

32 (b) Notwithstanding any other provision of law, all sexual
33 motivation enhancements under this subsection are mandatory, shall be
34 served in total confinement, and shall run consecutively to all other
35 sentencing provisions, including other sexual motivation enhancements,
36 for all offenses sentenced under this chapter. However, whether or not
37 a mandatory minimum term has expired, an offender serving a sentence

1 under this subsection may be granted an extraordinary medical placement
2 when authorized under RCW 9.94A.728(3);

3 (c) The sexual motivation enhancements in this subsection apply to
4 all felony crimes;

5 (d) If the standard sentence range under this subsection exceeds
6 the statutory maximum sentence for the offense, the statutory maximum
7 sentence shall be the presumptive sentence unless the offender is a
8 persistent offender. If the addition of a sexual motivation
9 enhancement increases the sentence so that it would exceed the
10 statutory maximum for the offense, the portion of the sentence
11 representing the enhancement may not be reduced;

12 (e) The portion of the total confinement sentence which the
13 offender must serve under this subsection shall be calculated before
14 any earned early release time is credited to the offender;

15 (f) Nothing in this subsection prevents a sentencing court from
16 imposing a sentence outside the standard sentence range pursuant to RCW
17 9.94A.535.

18 (9) An additional one-year enhancement shall be added to the
19 standard sentence range for the felony crimes of RCW 9A.44.073,
20 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on
21 or after July 22, 2007, if the offender engaged, agreed, or offered to
22 engage the victim in the sexual conduct in return for a fee. If the
23 offender is being sentenced for more than one offense, the one-year
24 enhancement must be added to the total period of total confinement for
25 all offenses, regardless of which underlying offense is subject to the
26 enhancement. If the offender is being sentenced for an anticipatory
27 offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079,
28 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted,
29 solicited another, or conspired to engage, agree, or offer to engage
30 the victim in the sexual conduct in return for a fee, an additional
31 one-year enhancement shall be added to the standard sentence range
32 determined under subsection (2) of this section. For purposes of this
33 subsection, "sexual conduct" means sexual intercourse or sexual
34 contact, both as defined in chapter 9A.44 RCW.

35 (10)(a) For a person age eighteen or older convicted of any
36 criminal street gang-related felony offense for which the person
37 compensated, threatened, or solicited a minor in order to involve the
38 minor in the commission of the felony offense, the standard sentence

1 range is determined by locating the sentencing grid sentence range
2 defined by the appropriate offender score and the seriousness level of
3 the completed crime, and multiplying the range by one hundred twenty-
4 five percent. If the standard sentence range under this subsection
5 exceeds the statutory maximum sentence for the offense, the statutory
6 maximum sentence is the presumptive sentence unless the offender is a
7 persistent offender.

8 (b) This subsection does not apply to any criminal street gang-
9 related felony offense for which involving a minor in the commission of
10 the felony offense is an element of the offense.

11 (c) The increased penalty specified in (a) of this subsection is
12 unavailable in the event that the prosecution gives notice that it will
13 seek an exceptional sentence based on an aggravating factor under RCW
14 9.94A.535.

15 (11) An additional twelve months and one day shall be added to the
16 standard sentence range for a conviction of attempting to elude a
17 police vehicle as defined by RCW 46.61.024, if the conviction included
18 a finding by special allegation of endangering one or more persons
19 under RCW 9.94A.834.

20 (12) An additional twelve months shall be added to the standard
21 sentence range for an offense that is also a violation of RCW
22 9.94A.831.

23 (13) An additional twelve months shall be added to the standard
24 sentence range for vehicular homicide committed while under the
25 influence of intoxicating liquor or any drug as defined by RCW
26 46.61.520 or for vehicular assault committed while under the influence
27 of intoxicating liquor or any drug as defined by RCW 46.61.522, or for
28 any felony driving under the influence (RCW 46.61.502(6)) or felony
29 physical control under the influence (RCW 46.61.504(6)) for each child
30 passenger under the age of sixteen who is an occupant in the
31 defendant's vehicle. These enhancements shall be mandatory, shall be
32 served in total confinement, and shall run consecutively to all other
33 sentencing provisions. If the addition of a minor child enhancement
34 increases the sentence so that it would exceed the statutory maximum
35 for the offense, the portion of the sentence representing the
36 enhancement may not be reduced.

37 (14) An additional twelve months shall be added to the standard

1 sentence range for an offense that is also a violation of RCW
2 9.94A.832.

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