Public Safety & Emergency Preparedness Committee

HB 1203

Brief Description: Modifying the definition of relative for purposes of the crime of rendering criminal assistance.

Sponsors: Representatives O'Brien and Chase.

Brief Summary of Bill

- Changes the age limit of a "relative" for purposes finding a person guilty of Rendering Criminal Assistance.

Hearing Date: 1/19/10

Staff: Yvonne Walker (786-7841).

Background:

A person commits the crime of Rendering Criminal Assistance if the person, in any of a variety of ways, tries to hinder the apprehension or prosecution of a person who has committed an offense.

The ways in which a person may commit the crime include the following: harboring or concealing the offender; warning the offender of impending apprehension; giving the offender money, transportation, or disguise; committing an act of force, threat, or deception to prevent apprehension; concealing, altering, or destroying physical evidence; and giving the offender a weapon.

Rendering Criminal Assistance in the first degree is a seriousness level V, class C felony offense if the person is not related to the offender and the crime the offender committed or is being sought for is a class A felony. The crime is a gross misdemeanor when the person is related to the offender.

Rendering Criminal Assistance in the second degree is a gross misdemeanor offense if the person is not related to the offender and the crime the offender committed or is being sought for is a class B or C felony offense or a violation of parole, probation, or community supervision. If the person is a relative of the offender then the crime of Rendering Criminal Assistance is a misdemeanor offense.

Rendering Criminal Assistance in the third degree is a misdemeanor offense if the person renders criminal assistance to a person who has committed a gross misdemeanor or misdemeanor offense.

A "relative" is defined as a person who is related as: husband, wife, brother, sister, parent, grandparent, child, grandchild, step child, or step parent to the person to whom criminal assistance is rendered.

Summary of Bill:

The statute relating to Rendering Criminal Assistance is amended to add an age limit of 18 years old for any person convicted of rendering criminal assistance to an offender despite whether the person is related to the offender. A relative found guilty of Rendering Criminal Assistance would be penalized at the higher offense as if he or she was not related to the offender. The lighter sentences imposed for a person found guilty of Rendering Criminal Assistance is only available to: (1) a juvenile under the age of 18 at the time of the offense; (2) who renders criminal assistance to an offender; and (3) who is related to the offender being sought.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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