

HOUSE BILL REPORT

HB 1203

As Reported by House Committee On:
Public Safety & Emergency Preparedness

Title: An act relating to the definition of relative for purposes of the crime of rendering criminal assistance.

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

Sponsors: Representatives O'Brien and Chase.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 1/19/10, 1/22/10 [DPS].

Brief Summary of Substitute Bill

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

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton, Goodman, Kirby and Ross.

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

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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 Substitute Bill:

The definition of "relative" is amended for purposes of determining the penalty of a person found guilty of Rendering Criminal Assistance. With the exception of an adult relative that provides emergency medical assistance to an offender, any person over the age of 18 years old found guilty of Rendering Criminal Assistance to an offender, whether or not the person is a "relative" of the offender, must be penalized at the higher offense category.

Substitute Bill Compared to Original Bill:

A new provision is added providing that if a person is a relative of an offender being sought for a criminal offense, and that person provides emergency medical assistance to that offender, then he or she would be guilty of Rendering Criminal Assistance at the crime's lower classification level.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Rendering Criminal Assistance is when a person is actually trying to hinder the apprehension or prosecution of an offender.

This bill is known as Randy's Law after Randy Ferguson who was killed by his wife. Randy's two adult stepchildren rendered criminal assistance by providing the murder weapon and helping dispose of Randy's body. The wife was eventually sentenced to 26 years in prison. However, because of current law, the stepchildren were only sentenced to a gross misdemeanor offense because they were "relatives" of the offender's wife.

On November 17, 2007, there was another case where Beverly Mock and her husband were murdered in their home by a wanted felon from Massachusetts. In this case the wife of the murderer helped dispose of the murder weapon and lied to police. She only received one year in jail.

This bill was introduced last year, but in light of the Maurice Clemmons case and the killings of the Lakewood police officers this bill has come back to light. Maurice Clemmons had several relatives that rendered criminal assistance in his case. This bill will prohibit persons over the age of 18 from getting a lighter sentence when they help to render assistance in a crime. What this bill says is if you are over the age of 18 you can no longer blame your parents for your actions.

Rendering Criminal Assistance in the first degree is limited to homicide cases and class A felony offenses. The step down (or lower classification) of the current penalty for relatives should not be part of the crime of Rendering in the first degree when the crimes are that serious.

People need to be held accountable for Rendering Criminal Assistance.

(Commented) There was a misinterpretation of what the bill did at first, but now that it has been clarified the Washington Association of Criminal Defense Lawyers and Washington Defender Association will not be taking a position on the bill.

(Opposed) None.

Persons Testifying: (In support) Representative O'Brien, prime sponsor; Representative Dammeier; Toni McKinley, Washington Coalition of Crime Victims Advocacy; Lisa Moore, Domestic Violence, Impact Panel Spoken Life Violent Crime Services; Zac Shileika; Mark Lann, Washington Council of Police and Sheriffs; and Tom McBride, Washington Association of Prosecuting Attorneys.

(Commented) Amy Muth, Washington Association of Criminal Defense Lawyers and Washington Defender Association.

Persons Signed In To Testify But Not Testifying: Jamie Daniels, Washington Council of Police and Sheriffs.