
**Public Safety & Emergency Preparedness
Committee**

SSB 5168

Brief Description: Reducing maximum sentences for gross misdemeanors by one day.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Prentice, Kline, Regala, Chase and Kohl-Welles).

Brief Summary of Substitute Bill

- Lowers the maximum imprisonment for a gross misdemeanor to 364 days.

Hearing Date: 3/9/11

Staff: Alexa Silver (786-7190).

Background:

Deportable Offenses: A noncitizen is deportable if he or she is convicted of a state or federal offense that is classified by immigration law as: (1) an "aggravated felony" or (2) a "crime involving moral turpitude" if a sentence of one year or longer may be imposed. Noncitizens include lawful permanent residents and refugees.

Federal law defines the term "aggravated felony" to mean certain categories of offenses for which the term of imprisonment is at least one year, including crimes of violence, theft offenses, forgery offenses, and obstruction of justice. A "crime involving moral turpitude" is undefined in statute but includes crimes involving fraud. For immigration purposes, the noncitizen's criminal sentence includes any period of confinement ordered by the court, regardless of whether the sentence is suspended.

Sentencing: A defendant convicted of a gross misdemeanor is punishable by imprisonment for a maximum term fixed by the court of not more than one year, or by a fine of not more than \$5,000, or both. A court may defer all or a portion of the sentence and place the defendant on

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probation. If the defendant violates a condition of the suspension, the court may revoke the suspension and impose any unexecuted portion of the sentence.

The standard sentence range for a defendant convicted of a felony is based on the seriousness level of the offense and the offender score. Under the sentencing grid, the standard sentence for a felony may be less than a year if the seriousness level of the offense is V or lower.

Summary of Bill:

The Legislature finds that under federal law, a maximum sentence for a gross misdemeanor may result in automatic deportation of a person who has lawfully immigrated to the United States, who is a victim of domestic violence, or who is a refugee, even when the sentence is suspended. The Legislature finds this is a disproportionate outcome compared to a person convicted of a felony that must be sentenced to less than one year.

Gross misdemeanors are punishable by imprisonment of up to 364 days.

Appropriation: None.

Fiscal Note: Available on original bill.

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