
Public Safety Committee

SB 5059

Brief Description: Concerning the crime of rendering criminal assistance.

Sponsors: Senators Carrell, Hewitt, Pearson, Roach, Delvin, Benton, Hargrove, Harper and Shin.

Brief Summary of Bill

- Provides that it is not a defense to rendering criminal assistance, in that the person did not have specific knowledge of the underlying crime committed by the offender receiving assistance, or that the knowledge was based upon secondhand information.
- Provides that during sentencing for the offense of rendering criminal assistance in the first degree, when an aggravating or mitigating circumstance is alleged, a victim of the offense includes the victim or victims of the underlying crime committed by the person to whom criminal assistance was rendered.

Hearing Date: 3/26/13

Staff: Yvonne Walker (786-7841).

Background:

Rendering Criminal Assistance.

A person is guilty of Rendering Criminal Assistance if he or she, with the intent to interfere with the apprehension or prosecution of another person he or she knows to have committed a crime or to have escaped from a detention facility:

- harbors or conceals the person;
- warns the person of impending discovery or apprehension;
- provides the person with money, transportation, disguise, or other means of avoiding discovery or apprehension;
- prevents or obstructs, by use of force, deception, or threat, anyone from performing an act that might aid in the discovery or apprehension of the person;

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- conceals, alters, or destroys any physical evidence that might aid in the discovery or apprehension of the person; or
- provides the person with a weapon.

Rendering Criminal Assistance in the first degree is a seriousness level V, class B felony offense if the crime the offender committed, or is being sought for, is Murder in the first degree or any class A felony offense. The crime is a gross misdemeanor offense when the person is related to the offender and such person is under the age of 18 years old at the time of the offense.

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.

Aggravating and Mitigating Circumstances.

Generally, the standard sentencing range is presumed to be appropriate for the typical felony case. However, the law provides that, in exceptional cases, a court has the discretion to depart from the standard range and may impose an exceptional sentence below the standard range (with a mitigating circumstance) or above the range (with an aggravating circumstance). The Sentencing Reform Act provides an illustrative, but nonexclusive, list of mitigating circumstances which the court may consider with regard to imposing an exceptional sentence below the standard range. The statute also provides an exclusive list of aggravating circumstances which the court may consider an aggravating circumstance or which a jury may consider in imposing an exceptional sentence above the standard range.

Summary of Bill:

In the case of a Rendering Criminal Assistance offense, it is not a defense that a person's knowledge of the underlying crime or juvenile offense committed by an offender receiving assistance was nonspecific or based upon secondhand information.

During sentencing for the offense of Rendering Criminal Assistance in the first degree, when an aggravating or mitigating circumstance is alleged, a "victim of the offense" includes the victim or victims of the underlying crime committed by the person to whom criminal assistance was rendered.

Appropriation: None.

Fiscal Note: Available.

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