

HOUSE BILL REPORT

HB 2389

As Passed Legislature

Title: An act relating to classification of felonies.

Brief Description: Providing a classification for unclassified felonies.

Sponsors: Representatives Ballasiotes, Quall, Morris, Dellwo, D. Sommers, Costa and Thompson; by request of Sentencing Guidelines Commission.

Brief History:

Committee Activity:

Corrections: 1/23/96, 1/31/96 [DP].

Floor Activity:

Passed House: 2/6/96, 96-0.

Passed Legislature.

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: Do pass. Signed by 11 members: Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; Schoesler and D. Sommers.

Staff: Rick Neidhardt (786-7841).

Background: Criminal Statutes in Title 9A. Washington statutes define many different crimes. Many of these definitions are grouped together in Title 9A of Washington's code. Each felony crime defined in Title 9A is specifically classified as being either a Class A felony, a Class B felony, or a Class C felony.

Criminal Statutes Outside Title 9A. Washington's statutes also define many felonies outside of Title 9A. Although these statutes identify the crime as being a felony, often they do not expressly classify the felony into Class A, B, or C, and instead they set a maximum length of confinement. For example, an offense might be described as being a felony punishable by not more than 10 years of confinement.

Until last year, these unclassified offenses outside of Title 9A generally were classified according to a statute that assigned a classification according to the length of the maximum sentence. Last year, a case from the Court of Appeals held that this

statute applied only under narrow circumstances. Accordingly, the classification of felonies outside of Title 9A is not clear.

Effect of Classification of Felonies. The classification of an offense is important in a number of ways. For crimes defined in Title 9A, the classification determines the statutory maximum sentence an offender can receive, so that the maximum length of confinement for Class A offenses is life imprisonment, for Class B is 10 years of confinement, and for Class C is five years of confinement.

Classification as a Class A, B or C felony also has the following effects, both for the offenses defined in Title 9A and those defined outside that title:

- whether an offense is a "strike" under the "Three Strikes and You're Out" law;
- whether an offense meets the statutory definition of a "violent" offense;
- the length of time before an offense "washes out" of an offender's criminal history; and
- the length of time before an offender can get the conviction vacated.

Classification does not directly determine the length of a felon's sentence under the Sentencing Reform Act, other than in setting the absolute upper limit as described above. Rather, the sentence length under the act is determined in relation to an offender's standard sentencing range, which is calculated based on factors that are not dependent on the classification of the felony at issue.

Summary of Bill: Felonies defined in statutes outside of Title 9A are to be classified as Class A, B, or C according to the maximum punishment each statute assigns to the felony:

- Class A if the maximum confinement is at least 20 years for the first conviction;
- Class B if the maximum confinement is at least eight but less than 20 years for the first conviction; and
- Class C if the maximum confinement is less than eight years for the first conviction.

Any felonies defined in statutes outside of Title 9A that do not contain a specific maximum punishment are to be assigned as Class B felonies.

Offenses where the maximum confinement varies according to the number of convictions the offender has received are classified only according to the maximum length of confinement existing for the first conviction.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This is a housekeeping bill. The bill doesn't change the SRA sentencing grid, doesn't change the standard sentencing ranges, doesn't change current definitions of crimes, and doesn't change from current practice the classification of felonies as Class A, B, or C. The bill is necessary due to a case last year that narrowly construed another statute that classified felonies. The intent is not to change the substance of the law.

Testimony Against: None.

Testified: Dick VanWagenen and John Steiger, Sentencing Guidelines Commission (pro).