

FINAL BILL REPORT

HB 2389

C 44 L 96
Synopsis as Enacted

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.

House Committee on Corrections
Senate Committee on Law & Justice

Background: Criminal Statutes in Title 9A. Washington statutes define many different crimes. Many of these definitions are grouped in Title 9A of the Revised Code of Washington. Each felony crime defined in Title 9A is specifically classified as 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 particular crime as being a felony, often they do not expressly classify the felony into Class A, B, or C, and instead 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, the unclassified offenses outside Title 9A generally were classified under a statute that assigned a classification according to the length of the maximum sentence. Last year, a case from the Washington Court of Appeals held that this statute applied only under narrow circumstances. Accordingly, the classification of felonies outside Title 9A is not clear.

Effect of Classification of Felonies. Classification as a Class A, B, or C felony has the following effects, both for the offenses defined in Title 9A and those defined elsewhere:

- 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. 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: Felonies defined in statutes outside 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 Title 9A that do not contain specific maximum punishments are to be classified 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.

Votes on Final Passage:

House	96	0
Senate	49	0

Effective: June 6, 1996