

HOUSE BILL REPORT

SSB 5050

As Passed House:

February 26, 1996

Title: An act relating to burglary in the first degree.

Brief Description: Revising the elements of the crime of burglary in the first degree.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Morton, Smith, Rasmussen and Schow).

Brief History:

Committee Activity:

Law & Justice: 2/9/96, 2/16/96 [DP].

Floor Activity:

Passed House: 02/26/96, 95-0.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 16 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Murray; Robertson; Smith; Sterk and Veloria.

Staff: Pat Shelledy (786-7149).

Background: The crime of first-degree burglary is committed if a person enters a building with intent to commit a crime and, while in the building or in immediate flight therefrom, the person is armed with a deadly weapon or assaults any person therein. A 1993 appellate court case held that the phrase "assaults any person therein" referred only to assaults occurring inside the building, not an assault that occurred outside the building as the burglar was leaving.

Summary of Bill: First-degree burglary is committed if a person enters a building with intent to commit a crime and, while in the building or in immediate flight therefrom, assaults any person.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This will correct an absurd result that can occur in current law. In one case, a homeowner caught burglars leaving the person's residence, and they assaulted him in the driveway while trying to flee. Under current law, that is not burglary in the first degree. Under the bill, the burglars could have been charged with burglary in the first degree.

Testimony Against: None.

Testified: Senator Bob Morton, prime sponsor.