

SENATE BILL REPORT

SB 5050

As Reported By Senate Committee On:
Law & Justice, January 9, 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: Senators Morton, Smith, Rasmussen and Schow.

Brief History:

Committee Activity: Law & Justice: 1/19/95, 1/26/95 [DP]; 1/9/96 [DPS].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5050 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Staff: Susan Carlson (786-7418)

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. It has been suggested that the crime of burglary first degree should include instances where a burglar assaults the victim while fleeing the building.

Summary of Substitute 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.

Substitute Bill Compared to Original Bill: The original bill did not include an amendment made last session which broadened the scope of the statute from just dwellings to all buildings.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill clarifies that a burglar who assaults a person while fleeing a building can be charged with first degree burglary.

Testimony Against: None.

Testified: Senator Morton, prime sponsor (pro).