

HOUSE BILL ANALYSIS

HB 1956

Title: An act relating to stolen motor vehicles.

Brief Description: Modifying criminal sentencing for stealing a motor vehicle.

Sponsors: Representative Sullivan.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Pat Shelledy (786-7149)

Background: When an adult offender is convicted of stealing a motor vehicle, any prior criminal conviction the offender has for committing the same offense counts as one point on the Sentencing Reform Act Sentencing Grid. If the adult offender was convicted of a similar offense as a juvenile the offender gets one-half point. All of the points an offender receives for prior convictions are added together and contribute to an overall offender score. There are a variety of charges that can be filed against a person in possession of a stolen motor vehicle, such as Taking a Motor Vehicle Without Permission, Theft, or Possession of Stolen Property.

In general, a person who commits an offense while under age 18 is under the jurisdiction of the juvenile court. A judge may decline juvenile court jurisdiction over any offender after a hearing at which the judge considers a variety of factors, such as the seriousness of the offense, the offender's prior criminal history, the likelihood that the juvenile rehabilitation system has treatment and services to offer the offender, the safety of the community, and whether either the public or the offender would be served by declining jurisdiction.

In addition to discretionary declines, certain offenders are automatically prosecuted as adults. Those offenders are 16 or 17 year old offenders who are charged with a serious violent offense (murder in the first or second degree, homicide by abuse, rape in the first degree, assault in the first degree, assault of a child in the first degree, and kidnaping in the first degree). In addition, 16 or 17 year old offenders are automatically prosecuted as adults if they are charged with a violent offense (includes more crimes such as assault 2, robbery 1 and 2, kidnaping 2, arson 1 and 2, vehicular homicide, vehicular assault, any class A felony, burglary 1, manslaughter 1 and 2, and various sex offenses) if the juvenile has a certain criminal history.

Summary: Adult offenders who have prior convictions, either as an adult or a juvenile, will receive more points for prior convictions involving stealing a car than under current law. The net effect of the increase in offender points is to increase the standard range penalty for repeat offenders. Instead of one point for each prior adult motor vehicle theft (or related charge for stealing a motor vehicle), the offender will receive two points. Instead of one-half point for each prior juvenile motor vehicle

theft, an offender will receive one point.

If a juvenile is 16 or 17 years of age and is charged with taking a motor vehicle without permission or one of the related offenses for stealing a motor vehicle, and the juvenile has been convicted of an offense involving the taking, theft, or possession of a stolen motor vehicle, the juvenile will be automatically prosecuted as an adult.

Require the Exercise of Rule- Making Powers: No

Fiscal Note: Requested February 19, 1997.

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