

HOUSE BILL ANALYSIS

SSB 5861

Title: An act relating to exceeding statutory maximum penalties for crimes involving firearms and deadly weapons.

Brief Description: Authorizing exceeding maximum penalties for crimes involving firearms and deadly weapons.

Sponsors: Senators Roach, Schow and Oke.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Pat Shelledy (786-7149)

Background: The maximum terms of incarceration for felony convictions are as follows:

- class A felony: life in prison;
- class B felony: 10 years in prison;
- class C felony: five years in prison.

When an offender is convicted of a felony which includes a firearm or deadly weapon enhancement, an additional period of incarceration is added consecutively to the determinate sentence provided by the Sentencing Reform Act sentencing grid. Those additional periods of incarceration range from six months to five years.

Provisions in the Hard Time for Armed Crime initiative provides that any firearm and deadly weapon enhancements may not run concurrently with any other sentencing provision. Confusion has arisen about how this provision should be interpreted when an offender is convicted of multiple counts, regarding the impact on the statutory maximum, and calculation of earned early release credits.

Summary: The maximum terms of incarceration for felony convictions are as follows:

- class A felony: life in prison (no change);
- class B felony: the sum of 10 years plus any firearm or deadly weapon penalty enhancement;
- class C felony: the sum of five years plus any firearm or deadly weapon penalty

enhancement.

All firearm and deadly weapon penalty enhancements are served consecutively to any other sentencing provision, including other firearm and deadly weapon penalty enhancements.

Require the Exercise of Rule- Making Powers: No.

Fiscal Note: Requested on March 25, 1997.

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