

HOUSE BILL REPORT

HB 1388

As Reported By House Committee On:

Criminal Justice & Corrections

Title: An act relating to state criminal jurisdiction.

Brief Description: Clarifying the state's jurisdiction over crimes committed in the airspace over the state.

Sponsors: Representatives Keiser, Ballasiotes, Schual-Berke, Mitchell, Hurst, O'Brien, Lovick and Delvin.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/5/99, 2/10/99 [DP].

Brief Summary of Bill

- Expands the state's criminal jurisdiction to include holding any person liable for punishment if that person commits any act onboard any vehicle within Washington, including airplanes flying over the state of Washington, that subsequently has to land, dock, or stop within the state.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Staff: Yvonne Walker (786-7841).

Background:

The Washington Criminal Code states that any person may be prosecuted if he or she commits any crime in this state, commits any crime outside of Washington, such as theft, and is found with the stolen property in this state or is out of state but aids, counsels, or causes another person to commit a crime in Washington. The state criminal jurisdiction is also extended to hold persons liable to punishment when they are outside of

Washington but commit such crimes as: abducting or kidnaping by force or fraud another person and bringing or sending that person to Washington, criminal activity which affects any person or property within Washington and if committed within the state would be a crime, or making a sworn statement, verification, or declaration which would be prosecuted as perjury.

Summary of Bill:

The state's criminal jurisdiction is expanded to include holding any person liable for punishment if that person commits any act onboard any vehicle within Washington, including airplanes flying over the state of Washington, that subsequently have to land, dock, or stop within the state, and if committed within the state, would be a crime.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Once when a plane landed due to a drunk man committing a crime on the plane, it was unclear when and what state had jurisdiction over prosecuting the crime committed in the airspace. Officers respond to these types of calls on a regular basis. In fact, there were approximately 283 offenses that took place in airplanes last year, but the problem is often "burden of proof" regarding where the crime actually took place.

The National Association of Flight Attendants and Pilots and local law enforcement agencies helped in putting this legislation together. Now any time a plane has to land in our state, due to a criminal act that took place in the air, Washington will now have the jurisdiction to prosecute that case.

Testimony Against: None.

Testified: (In support) Representative Keiser, prime sponsor; Tony Anderson, Port of Seattle Police; and Ernie Richardson, Port of Seattle Police.