

HOUSE BILL ANALYSIS

HB 1347

Title: An act relating to sentencing for certain criminal acts.

Brief Description: Clarifying sentencing requirements for certain crimes.

Sponsors: Representatives O'Brien, Ballasiotes, Kastama, Cairnes, Ogden, Radcliff, Kessler and McDonald; by request of Sentencing Guidelines Commission.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Jean Ann Quinn (786-7310).

Background:

Unranked offenses The state's sentencing guidelines provide classification of felonies by their seriousness level. Felonies are punished by 10 days to 29 months imprisonment, or by death. An adult offender is assigned a sentence based on a number of factors, including prior convictions. The seriousness level of the crime and the offender's criminal history determine the sentence. The offender's criminal history is determined by the court. The offender's criminal history is determined by the court. The offender's criminal history is determined by the court.

Unranked felonies are those offenses that are not assigned a seriousness level. The standard sentence for an unranked felony is 9-12 months unless the court finds that there are substantial compelling reasons for imposing an exceptional sentence. In 1997, the Legislature directed the Sentencing Guidelines Commission to review convictions of the previous years and submit proposals for appropriate unranked felony offenses which have had convictions. The commission proposed a bill in 1998 but the legislature was not enacted.

Theft of Rental Leased Property The crime of theft of rental leased or lease-purchase property is a class B felony (ranked serious level I) if the property valued \$1,500 or more and a class C felony (ranked serious level II) if the property valued between \$250 and \$1,500.

Malicious Injury to Railroad Property The crime of malicious injury to railroad property is a class B felony (ranked serious level I) if the property valued \$1,500 or more and a class C felony (ranked serious level II) if the property valued between \$250 and \$1,500. The crime of malicious injury to railroad property is a class B felony (ranked serious level I) if the property valued \$1,500 or more and a class C felony (ranked serious level II) if the property valued between \$250 and \$1,500. The crime of malicious injury to railroad property is a class B felony (ranked serious level I) if the property valued \$1,500 or more and a class C felony (ranked serious level II) if the property valued between \$250 and \$1,500.

Incendious Devices An incendious device is a device or material that is capable of supplying ignition

and/or a fire and is designed to be used as an instrument of destruction or disposal of an incendiary means to give away, loan, offer for sale, or transfer a device. Anyone who knowingly possesses, manufactures, sponsors, or distributes an incendiary device is guilty of a felony punishable by up to 25 years imprisonment. Because it is considered a felony, it also falls within the definition of a serious offense for the purposes of the persistent offender strike legislation.

Alphabetization of the crimes in each section is less than the Sentencing Act are not listed in any particular order.

Summary:

Unranked offenses The following unranked felony offenses are ranked at the seriousness level listed: