

HOUSE BILL ANALYSIS

HB 1710

Title: An act relating to crimes against children.

Brief Description: Increasing penalties for specified crimes against children.

Sponsors: Representatives Koster, Dunn, Pennington, Keiser, Cairnes and Benson.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Yvonne Walker (786-7841).

Background:

Rape of a Child in the First degree. Rape of a child in the first degree is when an offender has sexual intercourse with a child who is less than 12 years old and is not married to the offender, and the offender is at least 2 years older than the victim (i.e. a 15-year-old having sex with an 11-year-old). Rape of a child in the first degree is a seriousness level XII class A felony. An offender with no criminal history would receive a presumptive sentence of 93-123 months in prison.

Child Molestation in the First degree. Child molestation in the first degree is when an offender has sexual contact with a child who is less than 12 years old and not is not married to the offender, and the offender is at least 3 years older than the victim (i.e. a 15-year-old having sexual contact with an 11-year-old). Child molestation in the first degree is a seriousness level X class A felony. An offender with no criminal history would receive a presumptive sentence of 51-68 months in prison.

Homicide by Abuse. Homicide by abuse is when an offender, showing extreme indifference to life, shows a pattern of abuse or torture and then kills the child, developmentally disabled person, or dependent adult (having a physical or mental disability). There are no age restrictions for a victim under the crime of homicide by abuse. Homicide by abuse is a seriousness level XIV class A felony. An offender with no criminal history would receive a presumptive sentence of 240-320 months in prison.

Summary:

Rape of a Child in the First degree. Rape of a child in the first degree is increased from a seriousness level XII to a seriousness level XV offense. An offender with no criminal

history would receive a punishment of life imprisonment without the possibility of parole.

Child Molestation in the First degree. Child molestation in the first degree is increased from a seriousness level X to a seriousness level XV offense. An offender with no criminal history would receive a punishment of life imprisonment without the possibility of parole.

Homicide by Abuse. Homicide by abuse is increased from a seriousness level XIV to a seriousness level XV offense if the victim is under 16 years old. An offender with no criminal history would receive a punishment of life imprisonment without the possibility of parole.

Fiscal Note: Requested on February 9, 1999.

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

Office of Program Research