

# HOUSE BILL ANALYSIS

## SB 5538

---

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

**Brief Description:** Clarifying sentencing requirements for certain crimes.

**Sponsors:** Senators Costa, McCaslin, Heavey, Goings and Rasmussen.

---

### HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

**Staff:** Jean Ann Quinn (786-7310).

**Background:**

Unranked offenses in the state's sentencing guidelines are classified into felonies by their seriousness level. Punishable by 10 days to 29 months imprisonment, level IV offenses are punishable by imprisonment with parole or by death. An adult offender is assigned an offender score based on a number of factors, including prior convictions. The seriousness of the crime and the offender score determine the sentence of the offender in the court. The court determines the conditions of any exceptional sentence.

Unranked felonies are those offenses that are not assigned a seriousness level. The standard sentence range for an unranked felony is 12 months to life imprisonment. 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 for the previous years and submit proposals for appropriate unranked felony offenses for which there have been convictions. Legislation proposed in 1998.

**Malicious Injury to Rail Property** The crime of malicious injury to rail property occurs when a person endangers the safety of any rail property or person thereon and is currently punishable by up to 25 years imprisonment. Because it is considered a felony, it falls within the definition of most serious offense for the purposes of the persistent offender legislation.

**Incend Device** A person who knowingly possesses, manufactures, or disposes of an incendiary device is guilty of a felony punishable by up to 25 years imprisonment. Because it is considered a felony, it falls within the definition of most serious offense for the purposes of the persistent offender legislation.

**Theft of Rental Leased Property** The theft of a leased or lease-purchase property class

felony (ranked serious level) if the property valued \$1,500 or more and class felony (ranked serious level) if the property valued between \$250 and \$1,500.

Alphabetization of the crimes in each serious level in the Sentencing Reform Act are not listed in any particular order.

**Summary:**

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