

SENATE BILL REPORT

SHB 2263

As of April 2, 1999

Title: An act relating to robbery within a financial institution.

Brief Description: Making any robbery within a financial institution a first degree robbery.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Cox, Hurst, O'Brien, Esser, Conway, Rockefeller and Ogden).

Brief History: Passed House 3/16/99, 96-0.

Committee Activity: Judiciary: 3/31/99, 4/1/99.

SENATE COMMITTEE ON JUDICIARY

Staff: Harry Steinmetz (786-7421)

Background: Robbery in the first degree occurs when, during the commission of a robbery, an offender is armed with a deadly weapon, displays what appears to be a firearm or other deadly weapon, or inflicts bodily injury. First-degree robbery is a seriousness level IX, class A felony. A person with no criminal history would receive a presumptive range of 31 to 41 months in prison.

Robbery in the second degree occurs when an offender unlawfully takes property by use or threat of force or fear of injury. Second-degree robbery is a seriousness level IV, class B felony. A person with no criminal history would receive a presumptive sentencing range of three to nine months in jail.

The state does not have a specific criminal statute relating to financial institution robberies. When the robbery occurs with a "note-only" and no weapon is seen, it can only be prosecuted as second-degree robbery in state court.

Most crimes involving financial institutions are federal crimes. Under the federal sentencing guidelines, a crime such as bank robbery carries a maximum penalty of 20 years of incarceration or a fine ranging up to a maximum of \$60,000 (excluding any exceptional circumstances or criminal offense enhancements). However, given limited resources, the federal authorities do not aggressively prosecute all violations of these statutes. In those cases, an offender is subject to little or no criminal penalties or the case may be turned over to a county prosecutor.

Summary of Bill: Robbery of a financial institution is classified as robbery in the first degree, a class A felony. A person with no criminal history receives a presumptive range of 31 to 41 months in prison.

Financial institution means any bank, trust company, mutual savings bank, savings and loan association, or credit union authorized by federal or state law to accept deposits in the state.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill fills in the gap between armed and unarmed bank robbery. Whether an offender tries to rob a bank with a gun or a note, the fear in the innocent bank employee is the same. For some reason, the US Attorney in Western Washington will not prosecute "note-only" bank robberies. As a result, Western Washington has become the bank robbery capital of the United States. In 1998 there were 122 "note-only" bank robberies, one-third of all the bank robberies. This bill will address this issue.

Testimony Against: None.

Testified: Representative Don Cox, prime sponsor; Tom McBride, WAPA.