

SENATE BILL REPORT

SB 6184

As of January 19, 2000

Title: An act relating to habitual offenders.

Brief Description: Increasing penalties for habitual offenders.

Sponsors: Senators McCaslin, Costa and Oke.

Brief History:

Committee Activity: Judiciary: 1/26/2000.

SENATE COMMITTEE ON JUDICIARY

Staff: Aldo Melchiori (786-7439)

Background: Prior to 1984, habitual criminals were defined as offenders currently convicted of fraud, intent to defraud, larceny, or any felony who had at least one prior felony conviction or two prior convictions for petit larceny or for misdemeanors and gross misdemeanors involving fraud as an element. Habitual criminals were punished by not less than 10 years imprisonment. If the offender had two prior felony convictions or four prior convictions for petit larceny or for misdemeanors and gross misdemeanors involving fraud as an element, the punishment was imprisonment for life.

The Sentencing Reform Act took effect in 1984, eliminating the effect of the habitual criminal statute and providing for a graduated schedule of sentences for subsequent felony offenses. Since then, the Sentencing Reform Act has been amended a number of times to provide for sentences outside the sentencing grid for specified offenses. Misdemeanors and gross misdemeanors are not included in the sentencing guidelines except in the case of sentencing current felony traffic offenses.

Summary of Bill: "Habitual offender" is defined in the Sentencing Reform Act as an offender with a current felony conviction, who has at least one prior felony or two separate serious gross misdemeanor convictions. Persistent offenders are not habitual offenders. "Serious gross misdemeanors" are enumerated.

Habitual offenders are sentenced to 10 years imprisonment. If the habitual offender has a criminal record including at least two separate felony convictions, four separate serious gross misdemeanor convictions, or a combination of one felony and two or more serious gross misdemeanor convictions, the sentence is 15 years of confinement.

Appropriation: None.

Fiscal Note: Requested on January 18, 2000.

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