

HOUSE BILL REPORT

SHB 1938

As Reported by House Committee On:

Criminal Justice & Corrections

Title: An act relating to sabotage resulting in damage to land, facilities, and property.

Brief Description: Prescribing penalties for sabotage resulting in damage to land, facilities, and property or personal injury.

Sponsors: House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Pearson, Sump, Doumit, Jackley, Pennington, Mulliken, Boldt, Schoesler and Buck).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/5/02 [DP2S].

Brief Summary of Second Substitute Bill

- Expands the list of aggravating factors that a court may consider when imposing an exceptional sentence to include those intentional acts that are committed to impair an operator's management of his or her business.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Lovick, Vice Chair; Ballasiotes, Ranking Minority Member; Ahern, Kagi, Kirby and Morell.

Staff: Yvonne Walker (786-7841).

Background:

Criminal sabotage can be defined as any act that takes, damages, destroys, or attempts to damage, or destroy, any piece of property with the intent to disrupt the management, operation, or control of any agricultural, stockraising, lumbering, mining, quarrying, fishing, manufacturing, transportation, mercantile, building, or any other public or private business or commercial enterprise.

Criminal sabotage is an unranked felony. The maximum sentence for unranked felonies is one year of confinement, along with possible community service, legal financial obligations, community supervision, and a fine.

Exceptional Sentences: The Sentencing Reform Act (SRA) governs the sentencing of adult felons who commit a crime after July 1, 1984. Generally, these felons receive a sentence within the standard range for the offense which, under the SRA, is calculated using the seriousness level of the current offense and the extent of the offender's criminal history.

Although the standard range is presumed appropriate for the typical felony case, a court may depart from the standard range and may impose an exceptional sentence below the standard range (with a mitigating circumstance) or above the range (with an aggravating circumstance). To impose an exceptional sentence, generally, the court must find there are substantial and compelling reasons. Further, the court is required to set forth the reasons in writing.

The SRA provides a list of illustrative factors that a court may consider in deciding whether to impose an exceptional sentence outside of the standard range. Some of the illustrative aggravating factors provided by the SRA include: behavior that manifested into deliberate cruelty to a victim; vulnerability of a victim; sexual motivation on the part of the defendant; or an ongoing pattern of multiple incidents of abuse to a victim.

Summary of Second Substitute Bill:

The illustrative list of aggravating factors that a court may consider when imposing an exceptional sentence is expanded.

Exceptional Sentences: Specifically, a court may consider imposing a sentence above the standard range when the court finds that the defendant committed an act to intentionally injure, nullify, impair, or obstruct an owner's or operator's management, operation, or control of any structure used for horticultural or biological research, health care, timber enterprise, or fur farm enterprise.

Second Substitute Bill Compared to Substitute Bill:

A provision is added to make any act that is intentionally committed to injure, nullify, impair, or obstruct an owner's or operator's management, operation, or control of any structure used for horticultural or biological research, health care, timber enterprise, or fur farm enterprise, an aggravating circumstance under the exceptional sentence statute.

Provisions are eliminated that did the following:

- Expanded the "criminal sabotage" statute to include fur farms, university and private

research facilities, biotechnology laboratories, and commercial and private animal production facilities;

- Categorized "criminal sabotage" as a seriousness level X on the sentencing guidelines grid (Criminal sabotage will remain an unranked felony.); and
- Expanded the authorization of treble damages.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: None.

Testimony Against: None.

Testified: None.