

HOUSE BILL REPORT

2SHB 1938

As Amended by the Senate

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

Brief Description: Making sabotage an aggravating circumstance.

Sponsors: By 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].

Floor Activity:

Passed House: 2/13/02, 96-0.

Senate Amended.

Passed Senate: 3/7/02, 48-1.

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.

EFFECT OF SENATE AMENDMENT(S):

Strikes the provisions that expanded the list of aggravating factors, that a court may consider, when an offense was intentionally committed to injure, impair, or obstruct an owner's horticultural or biological research, health care facility, timber enterprise, or fur farm business. Adds a provision that authorizes a court to consider any intentional

offense that is committed to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: None.

Testimony Against: None.

Testified: None.