

HOUSE BILL REPORT

HB 2511

As Reported by House Committee On:
Criminal Justice & Corrections
Appropriations

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

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

Sponsors: Representatives O'Brien, Ballasiotes, Schoesler, Kessler, Kirby, Santos, Benson, Edwards, Kenney, Chase, Lovick, Wood and Casada.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/29/02, 1/30/02 [DPS];

Appropriations: 2/9/02 [DP2S(w/o sub CJC)].

Brief Summary of Second Substitute Bill

- Classifies robbery of a financial institution (with or without a deadly weapon) as first degree robbery, a class A felony.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the 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:

The state does not have a specific criminal statute relating to financial institution robberies with a "note-only." However, most cases of this nature, when charged in state court, are prosecuted as second-degree robbery, whereby an offender unlawfully takes property by use or threat of force or fear of injury. Robbery in the second degree 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.

Robbery in the first degree is when someone unlawfully takes property by use or threat of force or fear of injury using a deadly weapon or inflicting 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.

Most crimes involving financial institutions are federal crimes. Under the federal sentencing guidelines, a crime such as bank robbery would carry 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).

Summary of Substitute Bill:

Robbery of a financial institution (with or without a deadly weapon) is classified as robbery in the first degree, 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.

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

Substitute Bill Compared to Original Bill:

A provision is added to make the entire bill null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Requested on January 28, 2002.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed. However, the bill is null and void if not funded in the budget.

Testimony For: Robbery with a note is as dramatic as robbery with a gun. Robbery generally means the taking of property by force or threat of force. Second degree robbery includes everything from shoplifting whereby the offender pushes the shop owner, to a street mugging, to a bank robbery. Bank robbery is qualitatively different than second degree robberies because it puts a larger amount of people at risk.

About seven years ago, the US Attorney General's Office and the Federal Bureau of Investigation announced that they would no longer be investigating or prosecuting unarmed, note-only, bank robberies. The federal penalties for a first time offender convicted of unarmed robbery was three years in a federal penitentiary. When these

types of crimes are prosecuted on the state level, a first time offender generally receives only three to nine months in jail. An offender convicted for the second time receives a 12 to 14 month sentence and an offender on his third offense receives life in prison since this is a "three strikes and you are out" type of crime. The state seems to cycle offenders through the system quickly twice and then locks them up for life on their third offense.

Banks spend an exorbitant amount of money on basic security, however some banks have still managed to lose approximately \$1.1 million a year in bank robberies. The state averages one bank robbery a day. These robberies also affect the bank staff, and as a result these staff often leave their bank employers for more safer jobs.

Sentences for bank robberies in most other states are much longer than the sentences provided in Washington.

Testimony Against: This bill is not needed because the state currently has laws on the books as well as a "three strikes and you are out" law that can punish these offenders and take them off the street. Judges also have the ability to impose an exceptional sentence if they want to sentence an offender for a term longer than the normal standard sentence.

Testified: (In support) Representative O'Brien, prime sponsor; Dan Satterberg, King County Prosecutor's Office; Larry Erickson, Washington Association of Sheriffs and Police Chiefs; Denny Eliason, Washington Bankers Association; Dan Keiling, Wells Fargo Bank; Carrie Brume, Northstar Bank; and Mark Minickiello, Washington Credit Union League; and Shelli Millnuff, Seattle Telco Credit Union.

(Opposed) Jon Komorouski, Washington Association of Criminal Defense Lawyers and Washington Defenders Association.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Criminal Justice & Corrections. Signed by 25 members: Representatives Sommers, Chair; Doumit, 1st Vice Chair; Fromhold, 2nd Vice Chair; Sehlin, Ranking Minority Member; Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Staff: Bernard Dean (786-7130).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Criminal Justice & Corrections:

The bill was amended to remove the provision that the bill is null and void if not funded

in the omnibus appropriations act.

Appropriation: None.

Fiscal Note: Requested on January 28, 2002.

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

Testimony For: On a per capita basis, Washington leads the nation in this crime. This isn't about the money, although banks pay out more than \$1.7 in losses every year as a result of this crime. This is far outweighed by the impact that this crime has on customers and employees. We lead the nation this crime because the sentences for this offense are currently so lax in Washington. For a first offense, note-only bank robberies, which make up about 80 percent of bank robberies, an offender receives three to nine months. When the word gets out that penalties for this crime have been increased, the incidence of this crime will go down and reduce the impact of the fiscal note.

Testimony Against: None.

Testified: Denny Eliason, Washington Bankers Association.