

SENATE BILL REPORT

SB 5998

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 1, 1994

Brief Description: Increasing sentences for persons who commit certain crimes while armed with a firearm.

SPONSORS: Senators Ludwig, A. Smith, Quigley, Vognild, Winsley and Roach

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Staff: Jon Carlson (786-7459)

Hearing Dates: January 21, 1994; February 1, 1994

BACKGROUND:

"Deadly weapon" means an implement or instrument which has the capacity to inflict death, and from the manner in which it is used is likely to produce or may easily and readily produce death.

Current law imposes the following additional prison time to the presumptive sentence of those offenders who have committed certain crimes while armed with a deadly weapon: 24 months for rape 1, robbery 1, or kidnapping 1; 18 months for burglary 1; and 12 months for assault 2, assault of a child 2, escape 1, kidnapping 2, burglary 2 of a building other than a dwelling, theft of livestock 1 or 2, or any drug offense.

It is recommended that the court have the option to increase this additional prison time when the deadly weapon used in the commission of these crimes is a firearm.

SUMMARY:

The additional prison time that is added to a presumptive sentence for certain crimes that are committed with a deadly weapon may be increased when the deadly weapon is a firearm.

The additional 24-month time period which applies to rape 1, robbery 1, or kidnapping 1 may be increased up to 36 months; the additional 18-month time period which applies to burglary 1 may be increased up to 30 months; and the additional 12-month time period which applies to assault 2, assault of a child 2, escape 1, kidnapping 2, burglary 2 of a building other than a dwelling, theft of livestock 1 or 2, or any drug offense, may be increased up to 18 months.

If an offender is convicted a second time for one of these crimes while the offender or an accomplice is armed with a firearm, 60 months may be added to the presumptive sentence. For a third or subsequent conviction while the offender or an accomplice is armed with a firearm, 84 months may be added to the presumptive sentence.

If an offender or an accomplice is armed with a firearm and fires upon a law enforcement officer while resisting arrest, up to 60 months may be added to the presumptive sentence.

Appropriation: none

Revenue: none

Fiscal Note: requested January 13, 1994

TESTIMONY FOR:

Persons who commit crimes with firearms should be kept incarcerated for extended periods of time.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Mary Montgomery; Alex Kloske; David Reynard; Myrtle Cooper; Denise Harnley, Chris Chamberlin, Mary K. Kew, WCF; Merton Cooper; Steve Clemo; Shawn Dodson, Firearms Tactical; George Aiton, WA Arms Collectors; Tim Sekerak, Citizens Committee for the Right to Keep and Bear Arms