

# HOUSE BILL REPORT

## HB 1117

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### As Amended by Senate

**Title:** An act relating to penal institutions.

**Brief Description:** Providing a deterrence for crimes committed at county or local penal institutions.

**Sponsors:** Representatives Lambert, Costa, Blanton, Silver, Ballasiotes, Backlund, Robertson, Boldt, Buck, Thompson, Hargrove and Huff.

**Brief History:**

**Committee Activity:**

Law & Justice: 1/31/95, 2/10/95 [DP].

**Floor Activity:**

Passed House: 2/22/95, 96-0.

Senate Amended.

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass. Signed by 17 members: Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

**Staff:** Bill Perry (786-7123).

**Background:** A number of felony offenses apply only to persons who are incarcerated in state penal institutions. These crimes do not apply outside of a state prison, although similar crimes may.

For instance, generally, a person is guilty of the crime of "riot" if, acting with three or more other persons, he or she knowingly and unlawfully uses or threatens to use force, or in any way participates in the use of such force, against any other person or against property. If the actor is armed with a deadly weapon, the crime of riot is a class C felony. In all other cases under this law, the crime of riot is a gross misdemeanor. However, inmates in a state prison are guilty of the crime of "prison riot" if two or more of them use force or the threat of force to disturb the good order of the institution contrary to the commands of prison personnel. The crime of prison riot is the equivalent of a class B felony.

Other crimes that apply exclusively to inmates in state penal institutions include holding a hostage, preventing an officer from performing duties, and possessing any weapon. All of these crimes are class B felonies. Simple possession of a controlled substance by an inmate in a state prison is a class C felony.

**Summary of Bill:** Felony crimes that apply to inmates in state prisons are extended to apply to inmates in local jails. These crimes include prison riot, holding a hostage, preventing an officer from performing duties, possessing any weapon, and possessing any controlled substance.

**EFFECT OF SENATE AMENDMENT(S):**

**The amendment replaces the current law's use of the terms "penal institution" and "correctional facility" with the term "correctional institution" throughout the bill. A definition of correctional institution is supplied that applies to both state and local facilities.**

**The amendment creates two distinctions between state and local correctional institutions with respect to the elements of the crime of possessing a weapon. First, a person serving a sentence in a state correctional institution is no longer subject to the crime "while being conveyed to or from" the institution. A person confined in a local institution, on the other hand, is subject to this crime "while being conveyed to or from." Second, the weapons prohibited in a state institution include any instrument which "could produce serious bodily injury." The weapons prohibited in a local institution include any instrument which, "under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing substantial bodily harm."**

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** The bill will allow better inmate management in local jails and will provide a needed increase in security for jail personnel.

**Testimony Against:** None.

**Testified:** Kurt Sharar, Washington State Association of Counties (pro); Pat Thompson, Council of County and City Employees (pro); and Randy Parr and Mike Meyers, Public Safety Employees Union (pro).

**Votes on Final Passage:**

Yeas 96; Excused 1; Absent 1

Excused: Dellwo

Absent: Ogden