

HOUSE BILL REPORT

HB 2692

As Passed Legislature

Title: An act relating to technical corrections of internal references to the Revised Code of Washington.

Brief Description: Correcting RCW internal references.

Sponsors: Representatives Sheahan, Dellwo, Appelwick and Hickel; by request of Statute Law Committee.

Brief History:

Committee Activity:

Law & Justice: 2/2/96 [DP].

Floor Activity:

Passed House: 2/6/96, 97-0.

Passed Legislature.

HOUSE COMMITTEE ON LAW & JUSTICE

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

Staff: Pat Shelledy (786-7149).

Background: Sometimes legislation results in the reordering or renumbering of provisions within a particular statute. Other bills enacted during the same legislative session may inadvertently refer to subsection numbers within the statute that are no longer correct. Similarly, sometimes as a bill goes through the legislative process, particular provisions within the bill are reordered, and other bills attempting to refer to a particular provision in the bill may ultimately fail to refer to the intended provision. When these events occur, the code reviser may ask for legislation making technical corrections to statutory internal references.

During the 1995 session, the Legislature enacted Initiative 159, which amended numerous statutes addressing penalties for armed crime. The initiative applied deadly

weapon enhancements to all felonies, except specified offenses that necessarily involve the use of a firearm.

The initiative established one set of enhancements if the deadly weapon is a firearm, and a different set of enhancements if the deadly weapon is other than a firearm. In so doing, the initiative used the then-existing statutory subsection dealing with deadly weapon enhancements, RCW 9.94A.310(3), and created a new subsection to establish the separate sets of enhancements. The firearm deadly weapon enhancements are now found in new RCW 9.94A.310(3), and the other deadly weapon enhancements are found in RCW 9.94A.310(4), which is a revised version of the former RCW 9.94A.310(3).

However, in separate legislation, the Legislature also amended a sentencing statute to create a special drug offender sentencing alternative. The alternative is not to be available to offenders whose violations involve a deadly weapon enhancement under "RCW 9.94A.310(3)." As noted above, a revised version of the former RCW 9.94A.310(3) is now RCW 9.94A.310(4).

If the code reviser corrects the reference to RCW 9.94.310(3) in the sentencing statute, the result will be that offenders whose violations involve enhancements for firearms will be eligible for the sentencing alternative, whereas offenders whose violations involve enhancements for deadly weapons other than firearms will not.

Finally, in recent years, the Legislature enacted new definitions regarding business and occupation taxes. A current statute referring to those definitions by statutory citation is now incomplete.

Summary of Bill: References to renumbered sections and subsections are corrected.

An offender is ineligible for the special drug offender sentencing alternative if the violation involves a deadly weapon enhancement under either RCW 9.94A.310(3) or RCW 9.94A.310(4).

The reference to definitions regarding business and occupation taxes is expanded.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: None.

Testimony Against: None.

Testified: None.