

FINAL BILL REPORT

SI 159

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Synopsis as Enacted

Brief Description: Increasing penalties for armed crimes.

Sponsors: People of the State of Washington.

Senate Committee on Law & Justice
Senate Committee on Ways & Means
House Committee on Corrections
House Committee on Law & Justice

Background: In recent few years, the public has become increasingly concerned about violent crime, and especially about crimes involving firearms. Current laws provide for enhanced penalties for certain crimes committed with a deadly weapon, which includes a firearm. However, it is felt that penalties for crimes involving firearms should be increased, and that the deadly weapon sentence enhancements should apply to more crimes. There is also concern that judges be held accountable for their sentencing practices.

Washington Citizens for Justice has sponsored and obtained signatures for an initiative to the legislature addressing these and other concerns. The initiative is entitled the "Hard Time for Armed Crime Act."

Summary: Sentence enhancements for crimes committed with a firearm or other deadly weapon are lengthened. The enhancements apply to all felony convictions, with the exception of a few crimes that necessarily involve a firearm. The sentence for a crime committed while armed with a firearm is enhanced by an additional five years for class A felonies, three years for class B felonies, and 18 months for class C felonies. The sentence for a crime committed while armed with a deadly weapon is enhanced by an additional two years for class A felonies, one year for class B felonies, and six months for class C felonies. No earned early release is allowed on the enhanced portion of the sentence, and the enhancement cannot be served concurrently with any other sentence. The enhancements are doubled for repeat offenders.

The Sentencing Guidelines Commission is required to track sentencing information by judge, and provide a comparison of each judge's sentencing practices with the standard sentence range.

Two degrees of unlawful possession of a firearm are created. First degree possession, a class B felony, is committed if a person possesses a firearm after conviction for any serious offense, residential burglary, first degree reckless endangerment, or a class A or B felony level drug offense. Second degree unlawful possession, a class C felony, is committed if a person possesses a firearm after a conviction for any other felony drug offense, or other felony involving a firearm, a conviction for any domestic violence or harassment offense, three convictions within five years for driving a motor vehicle while intoxicated, involuntary

commitment for mental health treatment, or unlawful possession by a person under 18 years of age.

The crime of possession of a stolen firearm is removed from the theft of a firearm statute and made a separate class B felony crime. The seriousness level for the crime of reckless endangerment in the first degree is increased from level 5 to level 7.

The death penalty may be imposed upon conviction of aggravated first degree murder if the murder was gang-related, involved a drive-by shooting, or was committed to avoid prosecution as a persistent offender.

Votes on Final Passage:

Senate	39	5
House	88	6

Effective: July 23, 1995