

SENATE BILL REPORT

SB 6252

As Passed Senate, February 8, 1996

Title: An act relating to classification of felonies.

Brief Description: Providing a classification for unclassified felonies.

Sponsors: Senators Smith, Kohl and Long; by request of Sentencing Guidelines Commission.

Brief History:

Committee Activity: Law & Justice: 1/25/96, 1/31/96 [DP].
Passed Senate, 2/8/96, 49-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Staff: Dick Armstrong (786-7460)

Background: Criminal offenses defined within the criminal code have an explicit felony classification (class A, class B, class C felonies). However, many criminal offenses defined outside of these statutes only specify the maximum length of sentence but do not specifically state the classification of the crime.

Under the Sentencing Reform Act, the felony classification of a crime directly affects whether the crime may count as a prior offense (wash out), whether a court may vacate a criminal record, and whether an offense counts as a violent offense. Classification of a crime may also affect scoring criminal history and persistent offender status. For example, all class A felonies fall within the definitions of "violent offense" and "most serious offense" in the criminal code. Whether an offense is defined as "violent" affects how prior convictions are counted in determining the sentence, whether an offender is eligible for sentencing alternatives, whether an offender must submit a blood sample for DNA analysis, and whether sentences are included in the Sentencing Guidelines Commission's annual report on judges' sentencing practices. Offenses defined as "most serious offenses" are "strikes" under the Persistent Offender Accountability Act.

A 1995 decision of the Washington Court of Appeals held that an existing criminal code statute, which had been used to classify felonies outside the code, applied only in narrowly defined circumstances. As a result, more than 80 felonies have been left without a classification, resulting in potential uncertainty and inconsistency for sentencing courts.

The Sentencing Guidelines Commission is recommending that legislation be enacted which specifically provides for the classification of crimes outside the criminal code.

Summary of Bill: A system is established for classifying felonies that are not in the Washington criminal code: if the maximum sentence for a first conviction of a felony is 20 years or more, the felony is treated as a class A felony; if the maximum sentence for a first conviction of a felony is eight years or more, but less than 20 years, the felony is treated as a class B felony; and if the maximum sentence for a first conviction of a felony is less than eight years, the felony is treated as a class C felony.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill does not change criminal penalties and it does not change the classification of an offense based on the number of times it is committed. The bill is technical in nature and it allows the Sentencing Guidelines Commission and the courts to do what it has been doing under a different statute.

Testimony Against: None.

Testified: Dick Van Wagenen, Sentencing Guidelines Commission.