

SENATE BILL REPORT

SB 6495

As Reported By Senate Committee On:
Judiciary, January 31, 2006

Title: An act relating to assigning a seriousness level to selected unranked felonies.

Brief Description: Assigning a seriousness level to selected unranked felonies.

Sponsors: Senators Kline, Johnson, Brandland, and Oke.

Brief History:

Committee Activity: Judiciary: 1/12/2006, 1/31/06 [DPS]

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6495 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

Staff: Aldo Melchiori (786-7439)

Background: Felony offenses may either be ranked on the sentencing grid or unranked. The Legislature determines the rank of individual felonies on a scale of I to XVI. The term of incarceration that an offender receives is based upon the rank and the offender's criminal history. Unless aggravating or mitigating circumstances are proven, the court must sentence the offender to a term of incarceration within the range of time specified by the sentencing grid. If a felony is not enumerated on the sentencing grid, it is called an unranked felony offense. The maximum term of incarceration for an unranked felony is 12 months, regardless of the class or the offender's prior criminal history, unless an aggravating circumstance is proven.

Summary of Substitute Bill: Eleven previously unranked felony offenses are ranked as follows:

- Ranked at level IV (3 to 9 months for a first offense)
 - Luring, a class C felony
 - Sale or Receipt of Precursor Drugs, a class B felony
- Ranked at level III - (3 to 8 months for a first offense for failure to register)
 - Failure to Register as a Kidnapping Offender, a class C felony
- Ranked at level II (0 to 90 days for a first offense)
 - Animal Cruelty in the First Degree, a class C felony
 - Custodial Interference in the First Degree, a class C felony
 - Exhibiting False Insurance Accounts, a class B felony
 - Failure to Register as a Sex Offender, a class C felony (2nd offense)
 - Illegal Issuance of Drug prescription, a class B felony

- Money Laundering, a class B felony
- Possession of Depictions of Minors Engaged in Sexually Explicit Conduct, a class C felony
- Voyeurism, a class C felony
- Ranked at level I (0 to 60 days for a first offense)
 - Alien in Possession of a Firearm, a class C felony
 - Explosive Device Activities Without a License, a class C felony.

Substitute Bill Compared to Original Bill: An alien in possession of a firearm, a class C felony, is ranked at level I. In the original bill, it was not ranked. Failure to Register as a Sex Offender, a class C felony, is ranked at level II rather than level III. Because of the scoring rules in regard to sex offenders, a second offense for failure to register as a sex offender will result in a prison term.

Appropriation: None.

Fiscal Note: Requested on January 6, 2006.

Committee/Commission/Task Force Created: No.

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

Testimony For: When felonies are left unranked, offenders with more extensive criminal histories may not receive adequate sentences.

Testimony Against: None.

Who Testified: PRO: Tom McBride, WAPA.