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## Community Safety, Justice, & Reentry Committee

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### SSB 5056

**Brief Description:** Establishing a special allegation for habitual property offenders.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Padden, Fortunato, Gildon and Wilson, L.).

#### Brief Summary of Substitute Bill

- Establishes a special allegation and sentencing enhancement that apply to certain felony robbery and theft convictions where the defendant is a habitual property offender.

**Hearing Date:** 2/14/24

**Staff:** Corey Patton (786-7388).

#### Background:

Crimes are classified as misdemeanors, gross misdemeanors, or class A, B, or C felonies. While there are exceptions, the classification of a crime generally determines the maximum authorized term of confinement and fine for an offense. For example, class B felonies are typically punishable by up to 10 years imprisonment, up to a \$20,000 fine, or both such imprisonment and fine, while class C felonies are typically punishable by up to 5 years imprisonment, up to a \$10,000 fine, or both such imprisonment and fine.

For most felony offenses, the Sentencing Reform Act determines a specific sentence range within the statutory maximum according to a sentencing grid. The sentencing grid provides a standard range of months for the sentence, based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the person's criminal

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history. However, additional sentencing policies may further increase or decrease a person's sentence. For example, state law recognizes specific circumstances where the prosecuting attorney is authorized, and in some situations required, to file a special allegation against the defendant in an applicable criminal case if sufficient evidence exists to support the special allegation. If the defendant is convicted of the underlying offense and the prosecuting attorney proves the special allegation beyond a reasonable doubt, then the sentence is generally subject to a sentencing enhancement that increases the defendant's standard range by a specified amount of time.

**Summary of Bill:**

When a defendant is convicted of Residential Burglary, Burglary in the second degree, Theft in the first or second degree, Theft of a Firearm, Unlawful Issuance of Checks or Drafts, Organized Retail Theft, Theft with Special Circumstances, or Mail Theft, the prosecuting attorney may file a special allegation if sufficient evidence exists to show that the defendant is a habitual property offender. A person is a habitual property offender if the person:

- has an offender score of nine points or higher, at least five of which result from any combination of Residential Burglary, Burglary in the second degree, Theft in the first or second degree, Theft of a Firearm, Unlawful Issuance of Checks or Drafts, Organized Retail Theft, Theft with Special Circumstances, or Mail Theft; and
- has committed three or more property crime offenses within 180 days.

If the court finds beyond a reasonable doubt that the defendant is a habitual property offender, the court may impose a sentencing enhancement that increases the defendant's standard sentencing range by 12 months if the underlying conviction is for a class C felony, or by 24 months if the underlying conviction is for a class B felony, provided that the sentence imposed must not exceed the applicable statutory maximum. A person serving a sentence that includes such a sentencing enhancement may be granted an extraordinary medical placement under certain circumstances.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.