

HOUSE BILL REPORT

HB 1497

As Reported by House Committee On:

Criminal Justice & Corrections

Title: An act relating to technical reorganization of criminal statutes to simplify citation to offenses.

Brief Description: Reorganizing criminal statutes within the RCW.

Sponsors: Representatives O'Brien, Delvin, Mielke, Ruderman, Haigh, Ahern, Anderson, Lovick, Kagi and Kenney.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/11/03, 2/21/03 [DP].

<h4>Brief Summary of Bill</h4>

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| <ul style="list-style-type: none">· Makes a variety of non-substantive changes to criminal statutes. |
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HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Lovick and Pearson.

Staff: Jim Morishima (786-7191).

Background:

I. Classification of Felonies

There are three types of felonies: class A felonies, class B felonies and class C felonies. For crimes committed on or after July 1, 1984, the maximum penalty for each type of felony is as follows:

- class A felonies: life in prison, a fine of \$50,000, or both;
- class B felonies: 10 years in prison, a fine of \$20,000, or both; and
- class C felonies: five years in prison, a fine of \$10,000, or both.

Not all felonies are formally classified as A, B, or C. Some older crimes only specify a maximum term of imprisonment or a fine. Special statutory rules exist for classifying these crimes (RCW 9.94A.035):

- If the maximum term of imprisonment is 20 years or more, the felony must be treated as a class A felony;
- If the maximum term of imprisonment is eight years or more, but less than 20, the felony must be treated as a class B felony; and
- If the maximum term of imprisonment is less than eight years, the felony must be treated as a class C felony.

II. Classification of Misdemeanors

There are two types of misdemeanors: misdemeanors and gross misdemeanors. For crimes committed on or after July 1, 1984, the maximum term for each type of misdemeanor is as follows:

- Gross misdemeanors: Less than a year in prison, a fine of \$5,000, or both; and
- Misdemeanors: 90 days in prison, a fine of \$1,000, or both.

Like felonies, not all misdemeanors are formally classified. There is some conflict in the statutes as to how to classify these misdemeanors. Under RCW 9A.04.040, a crime is a misdemeanor if it authorizes imprisonment for no more than 90 days (all other non-felony crimes are gross misdemeanors). However, under RCW 9A.20.010(2), a crime is a misdemeanor if it authorizes imprisonment for no more than 90 days, or a fine of less than \$1,000, or both (all other non-felony crimes are gross misdemeanors). These two statutes create a possible conflict if a crime authorizes a term of imprisonment of more than 90 days (which would make the crime a gross misdemeanor under both statutes) and a fine of under \$1,000 (which is irrelevant under RCW 9A.04.040, but would make the crime a misdemeanor under RCW 9A.20.010(2)).

III. Penalty Provisions in Criminal Statutes

Criminal statutes are drafted in a variety of different manners. For example, some criminal statutes have the penalty for the crime listed in a separate subsection, while others do not. Also, some criminal statutes have multiple crimes listed in the same section, while others do not. Some criminal statutes define the crime and the punishment in the same section, while the penalty provisions for others are in separate sections. Finally, most sections in the Revised Code of Washington follow a standard subsection numbering convention, while a few, most notably statutes in the Uniform Controlled Substances Act, do not.

Summary of Bill:

A variety of non-substantive changes are made to a variety of criminal statutes.

I. Classification of Felonies

A change is made to the statute establishing the maximum penalties for felonies (RCW 9A.20.021) to prevent the statute from conflicting with existing criminal statutes that authorize larger punishments. Unclassified felonies are classified according to the statutory rules in RCW 9.94A.035.

II. Classification of Misdemeanors

Unclassified misdemeanors are classified according to the statutory provisions in RCW 9A.04.040 and 9A.20.010. Misdemeanors for which the classification is ambiguous due to the conflict between the two statutes are not changed.

III. Penalty Provisions in Criminal Statutes

Criminal statutes are amended to ensure that criminal penalties are contained in separate subsections. Separate crimes contained in the same section are separated into different sections. Penalty provisions that are in a separate section from the section defining the crime are consolidated. The subsection numbering convention in the Uniform Controlled Substances Act is changed to conform to the general numbering convention in the rest of the RCW.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: This bill takes effect on July 1, 2004.

Testimony For: This bill represents true cooperation among all three branches of government. The purpose of this bill is to classify crimes, put penalties in separate subsections, and provide unique identifiers for each individual crime. The bill is not intended to have any substantive effect. The integrity of data is important in the criminal justice system. This bill would help us eliminate ambiguity in the system and clearly and cleanly exchange information within the system. This will result in more efficiency, and ultimately, better public safety.

Testimony Against: None.

Testified: Representative O'Brien, prime sponsor; Mary McQueen, Board of Judicial Administration; and Stuart McKee, Department of Information Services.