

SENATE BILL REPORT

SB 5041

As Reported By Senate Committee On:
Judiciary, February 16, 2005
Ways & Means, March 7, 2005

Title: An act relating to discretionary weapons enhancements for sentence ranges.

Brief Description: Revising deadly weapon and firearm sentence range enhancements.

Sponsors: Senators McCaslin and Kline.

Brief History:

Committee Activity: Judiciary: 1/18/05, 2/16/05 [DPS].
Ways & Means: 3/7/05 [DP2S].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5041 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)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5041 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Prentice, Chair; Doumit, Vice Chair; Fraser, Vice Chair; Zarelli, Ranking Minority Member; Brandland, Fairley, Hewitt, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller and Schoesler.

Staff: Chelsea Buchanan (786-7446)

Background: If a jury finds that a defendant used a firearm or deadly weapon during the commission of a felony, the firearms and/or deadly weapons enhancement must be imposed by the court. These enhancements run consecutively to the sentence for the underlying offense. The earned early release provisions do not apply to firearms/deadly weapons enhancements. The current sentence enhancements are:

Firearms: Class A felony - 5 years
Class B felony - 3 years
Class C felony - 18 months

Deadly Weapons: Class A felony - 2 years
Class B felony - 1 year

Class C felony - 6 months

Summary of Second Substitute Bill: Judges are given discretion to sentence offenders within a time range rather than to a fixed period of time. The range midpoints correspond to the fixed times in the present statute.

Firearms: Class A felony - 4 to 6 years
Class B felony - 2 to 4 years
Class C felony - 9 to 27 months

Deadly Weapons: Class A felony - 1 to 3 years
Class B felony - 6 to 24 months
Class C felony - 3 to 9 months

Second Substitute Bill Compared to Substitute Bill: The ranges available for firearms enhancements are modified so that the range midpoints exactly correspond to the fixed times in the present statute.

Substitute Bill Compared to Original Bill: The ranges available for firearms enhancements are modified so that the range midpoints roughly correspond to the fixed times in the present statute. For class A felony, it was changed from 3 to 6 years to 3 to 7 years; for a class B felony, it was changed from 1 to 4 years to 1 to 5 years; and for a class C felony, it was changed from 6 to 24 months to 6 to 30 months.

Appropriation: None.

Fiscal Note: Available on substitute. Requested on Second Substitute on March 8, 2005.

Committee/Commission/Task Force Created: No.

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

Testimony For (Judiciary): This is a good law and it is filed aggressively. The increased judicial discretion will provide judges with some flexibility in cases where the weapon may have been present, but not used, and cases where the weapon was clearly used during the commission of the crime. The bill may help with prison overcrowding while also providing for more proportionate sentencing.

Testimony Against (Judiciary): None.

Who Testified (Judiciary): PRO: Senator Bob McCaslin, prime sponsor; Tom McBride, Washington Association of Prosecuting Attorneys.

Signed In, Unable to Testify & Submitted Written Testimony: PRO: Nicky Gleason, Office of Crime Victim's Advocacy.

Testimony For (Ways & Means): None.

Testimony Against (Ways & Means): None.

Who Testified (Ways & Means): No one.