

HOUSE BILL REPORT

HB 2710

As Reported by House Committee On:
Public Safety & Emergency Preparedness

Title: An act relating to allowing the imposition of exceptional sentences for offenders who wore body armor at the time of their offenses.

Brief Description: Allowing the imposition of exceptional sentences for offenders who wore body armor at the time of their offenses.

Sponsors: Representatives Hurst, Roach, Morrell, Williams, Loomis and Kelley.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 1/21/08, 1/23/08 [DP].

Brief Summary of Bill

- Expands the list of aggravating factors in the Sentencing Reform Act to include any violent offense committed where the defendant was wearing body armor at the time of the offense.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern, Goodman and Kirby.

Staff: Yvonne Walker (786-7841).

Background:

Body armor, sometimes called a bullet-proof vest, is generally a bullet resistant metal or other material worn by persons such as law enforcement officers and military personnel to provide protection from weapons or bodily injury. Washington law does not prohibit the possession of body armor.

Generally, the standard sentencing range is presumed to be appropriate for the typical felony case. However, the law provides that in exceptional cases, a court has the discretion to depart

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from the standard range and may impose an exceptional sentence below the standard range (with a mitigating circumstance) or above the range (with an aggravating circumstance). The Sentencing Reform Act (SRA) provides a list of illustrative factors that a court may consider in deciding whether to impose an exceptional sentence outside of the standard range. Some of the illustrative aggravating factors provided by the SRA include: behavior that manifested deliberate cruelty to a victim; vulnerability of a victim; sexual motivation on the part of the defendant; and an ongoing pattern of multiple incidents of abuse to a victim.

Summary of Bill:

The list of illustrative aggravating factors in the SRA is expanded to include any current crime that is a violent offense and where the defendant was wearing body armor at the time of the offense. Body armor is defined as any clothing or equipment designed, in whole or in part, to minimize the risk of injury or death from a deadly weapon.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill is important. The very fact that an offender is wearing body armor during the commission of an offense indicates that possible violence might occur. Even in many bank robbery events, where some people may feel it is only a loss of money, many law enforcement officers and the public at large have been injured or put in harms way.

In California there was a violent armed robbery that occurred. As the gunmen exited the building they initiated a gun battle where they shot 12 police officers and eight civilians. Over 300 officers were called to the situation. The shootout continued for so long because the gunmen were wearing body armor from their neck down to their feet. This was a life or death situation for many law enforcement officers.

Today, offenders have firearms and body armor that far exceeds the quality than that of law enforcement and the military. The Legislature needs to act upon this bill before a violent shootout crime occurs in Washington. Other states have this same law, so Washington would not be unique in creating this new crime.

(Opposed) None.

Persons Testifying: Representative Hurst, prime sponsor; Representative Roach; and Daniel Conine, Seattle Police Department.

Persons Signed In To Testify But Not Testifying: None.