
**Public Safety & Emergency
Preparedness Committee**

HB 2715

Brief Description: Enhancing the penalty for sex offenses committed in a school protection zone.

Sponsors: Representatives Barlow, Hurst, Lantz, Upthegrove, Conway, Morrell, Miloscia, Kenney, Williams, Loomis, Haigh, Simpson, VanDeWege and Kelley.

Brief Summary of Bill

- Creates a sentencing enhancement for sex offenses committed in a school protection zone.

Hearing Date: 1/24/08

Staff: Jim Morishima (786-7191).

Background:

Felony Offenders are generally sentenced to a term of confinement within a standard range, which is determined using a grid with the offender's criminal history on the horizontal axis and the seriousness level of the offense of the vertical axis. Under certain circumstances, the court is required to add a period of time to the offender's standard range. For example, a court must add five years to the standard sentence range for a class A felony convicted with a firearm. Similarly, the court is required to add two years to the standard range for a felony committed with sexual motivation.

An offender's term of confinement may not exceed the statutory maximum for the offense: life for class A felonies, 10 years for class B felonies, and five years for class C felonies.

Summary of Bill:

A court must add two years to the standard range for a sex offense committed in a school protection zone. The two years is mandatory, must be served in total confinement, and must run

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consecutively to all other sentencing provisions. If the enhancement causes the standard range to exceed the statutory maximum for the offense, the statutory maximum is the presumptive sentence for the offense; the portion of the sentence representing the enhancement may not be reduced. In addition, the statutory maximum and the maximum allowable fine for a sex offense committed in a school zone is doubled.

A school protection zone is defined as the area:

- Inside a public or private school;
- Inside a school bus;
- Within 1,000 feet of a school bus stop; or
- Within 1,000 feet of the grounds of a public or private school.

A process is established for determining whether a sex offense was committed in a school protection zone. In a prosecution for a sex offense, the prosecuting attorney may file a special allegation that the offense was committed in a school zone if the prosecutor feels there is sufficient evidence to support such an allegation. The prosecutor has the burden of proving the special allegation to a jury (or to a judge if a jury is waived). The prosecutor may not withdraw the special allegation without the permission of the court.

Appropriation: None.

Fiscal Note: Requested on January 16, 2008.

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