

HOUSE BILL REPORT

SSB 6293

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

Title: An act relating to rendering criminal assistance in the first degree.

Brief Description: Changing provisions relating to rendering criminal assistance in the first degree.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Brandland and Carrell).

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 2/17/10, 2/23/10 [DPA];

General Government Appropriations: 2/25/10 [DP(w/oPSEP amd)].

Brief Summary of Substitute Bill

- Increases the penalty for Rendering Criminal Assistance in the first degree.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass as amended. Signed by 8 members: Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton, Goodman, Kirby and Ross.

Staff: Yvonne Walker (786-7841).

Background:

A person commits the crime of Rendering Criminal Assistance if the person, in any of a variety of ways, tries to hinder the apprehension or prosecution of a person who has committed an offense.

The ways in which a person may commit the crime include the following: harboring or concealing the offender; warning the offender of impending apprehension; giving the

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offender money, transportation, or a disguise; committing an act of force, threat, or deception to prevent apprehension; concealing, altering, or destroying physical evidence; and giving the offender a weapon.

Rendering Criminal Assistance in the first degree is a seriousness level V, class C felony offense if the person is not related to the offender and the crime the offender committed, or is being sought for, is a class A felony offense. The crime is a gross misdemeanor offense when the person is related to the offender.

Rendering Criminal Assistance in the second degree is a gross misdemeanor offense if the person is not related to the offender and the crime the offender committed, or is being sought for, is a class B or C felony offense or a violation of parole, probation, or community supervision. If the person is a relative of the offender then the crime of Rendering Criminal Assistance is a misdemeanor offense.

Rendering Criminal Assistance in the third degree is a misdemeanor offense if the person renders criminal assistance to a person who has committed a gross misdemeanor or misdemeanor offense.

A "relative" is defined as a person who is related as: husband, wife, brother, sister, parent, grandparent, child, grandchild, step-child, or step-parent to the person to whom criminal assistance is rendered.

Summary of Amended Bill:

The penalty for the crime of Rendering Criminal Assistance is increased and the definition of a "relative" within the Rendering Criminal Assistance statute is amended for the purpose of determining the penalty of a person found guilty of a Rendering Criminal Assistance offense. With the exception of an adult relative that provides emergency medical assistance to an offender, any person over the age of 18 years old found guilty of Rendering Criminal Assistance to an offender, despite whether or not the person is a "relative" of the offender, must be penalized at the higher offense category (as if he or she was "not" related to the offender).

Rendering Criminal Assistance in the first degree is: (1) increased to a class B felony offense (from a class C felony offense) if the person that renders criminal assistance is not related to the offender; or (2) increased to a class B felony offense (from a gross misdemeanor offense) if the person is related to the offender and is over the age of 18 years old. The crime is increased to a seriousness level III, class C felony offense (from a gross misdemeanor offense) when the person is under the age of 18 years old and is related to the offender.

The act is known as "Randy's Law."

Amended Bill Compared to Substitute Bill:

The definition of a "relative" in the statute relating to Rendering Criminal Assistance is amended for purposes of determining the penalty of a person found guilty of Rendering Criminal Assistance. With the exception of an adult relative that provides emergency medical assistance to an offender, any person over the age of 18 years old found guilty of Rendering Criminal Assistance to an offender, despite whether or not the person is a "relative" of the offender, must be penalized at the higher offense category. The amendment also names the act "Randy's Law."

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The House and Senate versions of the bill should be merged together and it would be a positive move forward. People convicted of Rendering Criminal Assistance would still receive a more severe charge and adults over the age of 18 years old would also be penalized more severely. There have been families that have been let down because of the current laws and the choices that adults have made in hiding evidence, disposing of bodies, and Rendering Criminal Assistance to offenders. Under current law the maximum penalty that these individuals could get is one year in jail because it is a gross misdemeanor offense. Adults need to know that when they make certain choices that they will be penalized for their actions. Your actions have consequences. You can choose the crime but you should not be able to choose your penalty. The law needs to hold people accountable for their actions.

This bill would not be supported if the crime is made an unranked felony because then judges would be limited to one year as far as the penalty that they would be able to impose.

(Opposed) There are several concerns with this bill. Instead of making the crime of Rendering Criminal Assistance a class C felony for a relative, it should be made an unranked class C felony. This does not reduce the current penalty. Also, the final bill should specify that relatives that render criminal assistance by providing emergency medical care should be treated differently than relatives that render other criminal assistance. These individuals should be charged with a gross misdemeanor crime instead.

Persons Testifying: (In support) Zac Shileika; Lisa Moore; Tom McBride, Washington Association of Prosecuting Attorneys; and Toni McKinley, Washington Coalition of Crime Victims Advocates.

(Opposed) Kimberly Gordon, Washington Association of Criminal Defense Lawyers and Washington Defender Association.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS

Majority Report: Do pass without amendment by Committee on Public Safety & Emergency Preparedness. Signed by 14 members: Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake, Dunshee, Hudgins, Kenney, Klippert, Pedersen, Sells, Short, Van De Wege and Williams.

Staff: Alex MacBain (786-7288).

Summary of Recommendation of Committee On General Government Appropriations Compared to Recommendation of Committee On Public Safety & Emergency Preparedness:

The General Government Appropriations Committee recommended the passage of the underlying Senate bill, which increases the penalty for the crime of Rendering Criminal Assistance in the first degree to a class B felony offense if the person is not related to the offender, and to a seriousness level III, class C felony offense when the person is related to the offender. Further, it does not redefine and change the age limit of a relative for purposes of finding a person guilty of Rendering Criminal Assistance.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Under current law, relatives who render criminal assistance by hiding evidence or disposing of bodies are only subject to a gross misdemeanor offense which carries a maximum penalty of one year in jail. There are cases in which adult family members have participated in the disposal of a body and have been convicted of Rendering Criminal Assistance only to be sentenced to 10 days in jail. Families, friends, and communities are being let down because the current law does not hold people accountable for their choices.

(Opposed) None.

Persons Testifying: Zac Shileika.

Persons Signed In To Testify But Not Testifying: None.