

HOUSE BILL REPORT

HB 2259

As Reported by House Committee On:
Public Safety

Title: An act relating to the crime of indecent exposure.

Brief Description: Concerning the crime of indecent exposure.

Sponsors: Representatives Klippert and Hayes.

Brief History:

Committee Activity:

Public Safety: 1/15/16, 1/22/16 [DPS].

Brief Summary of Substitute Bill

- Makes the crime of Indecent Exposure a class C felony when a defendant has a prior conviction under an equivalent municipal ordinance.
- Makes felony Indecent Exposure a seriousness level 4 offense if a defendant exposes himself or herself to a person under the age of 14 years and a seriousness level 2 offense in all other circumstances.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Appleton, Griffey, Moscoso and Wilson.

Staff: Kelly Leonard (786-7147).

Background:

Classification of Crimes and Sentencing. Crimes are classified as misdemeanors, gross misdemeanors, or felonies (of which there are class A, B, and C felonies). The classification of a crime generally determines the maximum term of confinement and/or fine for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

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<u>Classification</u>	<u>Maximum Confinement</u>	<u>Maximum Fine</u>
Misdemeanor	90 days	\$1,000
Gross Misdemeanor	364 days	\$5,000
Class C Felony	5 years	\$10,000
Class B Felony	10 years	\$20,000
Class A Felony	Life	\$50,000

When a person is convicted of a felony, the Sentencing Reform Act (SRA) applies and determines a specific range of sentence within the statutory maximum. Under the SRA, sentences for felony offenses are determined by reference to a sentencing grid. The sentencing grid provides a standard range of months for the sentence, based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the offender's criminal history. If a felony does not have a seriousness level under the SRA, then the maximum term of confinement is one year regardless of its classification.

Indecent Exposure. A person is guilty of Indecent Exposure if he or she intentionally makes any open and obscene exposure of his or her person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm. The act of breastfeeding or expressing breast milk is not Indecent Exposure.

The classification of Indecent Exposure varies as follows:

- class C felony if the person has a prior conviction of Indecent Exposure or of a sex offense;
- gross misdemeanor on the first offense if the person exposes himself or herself to a person under the age of 14 years; or
- misdemeanor in all other circumstances.

Felony for Indecent Exposure when committed against a person under the age of 14 years is listed to have a seriousness level of 4 under the SRA. Other circumstances for felony convictions of Indecent Exposure are not listed under the SRA.

Summary of Substitute Bill:

Indecent Exposure is a class C felony if the person has previously been convicted of a municipal ordinance equivalent to Indecent Exposure.

Indecent Exposure is a seriousness level 4 offense if the person exposes himself or herself to a person under the age of 14 years and a seriousness level 2 offense in all other circumstances.

Substitute Bill Compared to Original Bill:

The substitute bill clarifies the circumstances where Indecent Exposure is a seriousness level 4 offense and seriousness level 2 offense. The substitute bill corrects cross-references.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute 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) When prosecuting Indecent Exposure for first-time offenders, municipalities often charge offenders under the municipal code rather than state law. This creates a problem when trying to charge someone with felony Indecent Exposure after repeat offenses. The bill addresses this problem by adding equivalent municipal ordinances to the types of prior convictions that can elevate a present Indecent Exposure conviction to a felony. The bill also clarifies the seriousness levels for charges arising from repeat offenses. This bill is not about minor Indecent Exposure offenses. This is about repeat offenders whose behavior is worsening with each offense. It is important to consider what is and is not acceptable in a civilized society. People need to be held accountable for their actions, and penalties should reflect past behavior and repeat offenses.

(Opposed) None.

Persons Testifying: Representative Klippert, prime sponsor; and Tom McBride, Washington Association of Prosecuting Attorneys.

Persons Signed In To Testify But Not Testifying: None.