

HOUSE BILL REPORT

SB 5499

As Reported by House Committee On: Public Safety

Title: An act relating to a special allegation of a nefarious drone enterprise.

Brief Description: Allowing the filing of a special allegation of a nefarious drone enterprise.

Sponsors: Senators Roach, Hasegawa, Rivers, Rolfes, Warnick, Dansel, Padden, Angel and Chase.

Brief History:

Committee Activity:

Public Safety: 3/13/15, 3/20/15 [DP].

Brief Summary of Bill

- Creates a 12-month sentencing enhancement that must be added to a sentence of a criminal defendant who was proven to have used an unmanned aerial vehicle to facilitate or commit any crime.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 7 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Griffey, Moscoso and Wilson.

Minority Report: Do not pass. Signed by 2 members: Representatives Appleton and Pettigrew.

Staff: Cassie Jones (786-7303).

Background:

Under the Sentencing Reform Act, sentences for typical 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. A

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sentencing court must impose imprisonment in addition to the standard sentencing range if specific conditions for sentencing enhancements are met.

Sentencing enhancements may apply under the following circumstances: (1) the offender was armed with a firearm while committing certain felonies; (2) the offender was armed with a deadly weapon while committing certain felonies; (3) the offender committed certain felonies while incarcerated; (4) the offender committed certain drug offenses; (5) the offender committed vehicular homicide while under the influence of alcohol or drugs; or (6) the offender committed a felony crime that was committed with sexual motivation. Sentencing enhancements, other than those that rely upon the fact of a prior conviction, must be proven to a jury beyond a reasonable doubt.

Summary of Bill:

A prosecuting attorney may file a special allegation of nefarious drone enterprise in any criminal case where sufficient evidence exists that an unmanned aerial vehicle was used to facilitate or commit a crime. The state must prove the allegation beyond a reasonable doubt. If so proved, an additional 12 months must be added to the standard range sentence for the crime.

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) Drones can be fun. They take pictures, movies, and sound. But there are nefarious uses with this technology. Some correctional institutions have installed drone detectors due to the use of drones to smuggle contraband into prison yards. This deserves an extra 12 months added to the sentence for a criminal offense. There are positive uses of drones. Some agencies want them to check and see whether people are violating the law. There is a problem when people are using drones to do surveillance on others for the purposes of committing a crime. These are serious offenses. Drones can invade people's privacy.

(Opposed) This bill would add 12 months on top of sentences. This will have a great cost to the public. This punishment does not fit the crime. Other enhancements fit the crime because they involve great risk to society such as the firearms enhancement. A drone in and of itself does not create additional risk to society. There does not seem to be a proliferation of use of drones to commit crimes. This enhancement would not be added to most crimes

that protect privacy because they are misdemeanors and the enhancement only applies to felonies.

Persons Testifying: (In support) Senator Roach, prime sponsor.

(Opposed) Paul Strophy, Washington Association of Criminal Defense Lawyers.

Persons Signed In To Testify But Not Testifying: None.