

SENATE BILL REPORT

SHB 1186

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 21, 1992

Brief Description: Requiring that criminal penalties set by cities and counties be the same as those set in state law.

SPONSORS: House Committee on Judiciary (originally sponsored by Representatives Appelwick, Ludwig, Paris, Wineberry, Scott and Riley).

HOUSE COMMITTEE ON JUDICIARY

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Nelson, Chairman; Hayner, M. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Staff: Jon Carlson (786-7459)

Hearing Dates: February 20, 1992; February 21, 1992

BACKGROUND:

Penalties imposed upon defendants in district court may vary depending on whether the defendant was cited for a violation of a state statute or a municipal ordinance. Defendants committing similar offenses may receive more or less severe penalties, depending on the origin of the laws under which they were cited.

SUMMARY:

A penalty established by a city, town, or county for an act constituting a crime under a state statute cannot be less than the penalty prescribed by state statute.

Appropriation: none

Revenue: none

Fiscal Note: none requested

Effective Date: July 1, 1992

SUMMARY OF PROPOSED SENATE AMENDMENT:

A penalty established by a city, town, or county for a crime cannot be less than the penalty prescribed for that crime by state statute.

TESTIMONY FOR:

It is unfair for the penalty for a crime to vary depending on which jurisdiction hears the case. Sometimes successive defendants in the same courtroom may be subject to different penalties for the same crime.

TESTIMONY AGAINST:

Local communities ought to be free to set penalties for themselves. The disparities in the sentences handed down are not that large. To require penalties to be consistent with state law would result in increased costs for local jurisdictions, particularly in terms of providing public defenders to defendants.

TESTIFIED: Robert McBeth, WA State District Municipal Court/Judges Association (pro); Michael Weight, City of Everett (con); Ted Inkley, City of Seattle (con)