

HOUSE BILL REPORT

HB 1630

As Reported By House Committee On:
Judiciary

Title: An act relating to creating the crime of carjacking.

Brief Description: Creating the crime of carjacking.

Sponsors: Representatives Tate, Riley, Scott, Campbell, Padden, R. Meyers, Long, Forner, Johanson, Schmidt, Chappell, Chandler, Mielke, Reams, R. Johnson, Brough, Ballasiotes, Vance, Foreman, Sheahan, Schoesler, Miller, Jacobsen, Sheldon, Kremen, Silver, Cothorn, Morton, Wineberry and Wood.

Brief History:

Reported by House Committee on:
Judiciary, March 2, 1993, DPS.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Forner; Johanson; Locke; Long; Mastin; H. Myers; Schmidt; Scott; Tate; and Wineberry.

Minority Report: Do not pass. Signed by 1 member: Representative Riley.

Staff: Patricia Shelledy (786-7149).

Background: A person commits the crime of robbery if the person unlawfully takes personal property from a victim against the victim's will, by force or the threat of force. The force or fear must be used to obtain or retain possession of the property, or to prevent or overcome resistance to the taking. The degree of force used is immaterial.

Robbery in the first degree is committed if, in the commission of the robbery or in immediate flight from the robbery, the person is: (1) armed with a deadly weapon; (2) displays what appears to be a firearm or other deadly

weapon; or (3) inflicts bodily injury. Robbery in the first degree is a class A felony.

Robbery in the second degree is committed if a person commits robbery under circumstances not amounting to robbery in the first degree. Robbery in the second degree is a class B felony.

Under current law, a person may be charged with robbery if the personal property taken is a motor vehicle.

Summary of Substitute Bill: Instead of charging robbery when the personal property taken is a motor vehicle, the person will be charged with the new crime of "carjacking." The elements of carjacking in the first degree and second degree are identical to the elements of robbery in the first or second degree, except that a motor vehicle is the specified item of personal property that is unlawfully taken.

First degree carjacking is a class A felony and second degree carjacking is a class B felony. The same sentencing rules apply to first- and second-degree carjacking as currently apply to first- and second-degree robbery.

Substitute Bill Compared to Original Bill: Sentencing provisions are stricken that made first-degree carjacking more serious than first-degree robbery and which made second-degree carjacking more serious than second-degree robbery.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Carjacking is a very serious and frightening crime. Carjacking is on the rise in the United States. Washington should be proactive and send a clear message that carjacking will not be tolerated in this state.

Testimony Against: None.

Witnesses: Representative Randy Tate, prime sponsor (pro); John Sobel, crime victim (pro); Mike Redman, Washington Association of Prosecuting Attorneys (pro); and Tim Schellberg, Washington Association of Sheriffs and Police Chiefs (pro).