

HOUSE BILL REPORT

HB 2392

As Passed Legislature

Title: An act relating to residential burglary.

Brief Description: Including residential burglary in crimes of violence.

Sponsors: Representatives Mastin, Ballasiotes, Appelwick, Grant, Kessler, Dorn, Schoesler, Roland, Sheahan, R. Meyers, Wineberry, Long, Talcott, Van Luven, Johanson, Campbell, Fuhrman, Brumsickle, Wood, Silver, Kremen, Dyer, J. Kohl, Conway, Jones, Springer and McMorris.

Brief History:

Reported by House Committee on:
Judiciary, February 1, 1994, DP;
Passed House, February 14, 1994, 95-0;
Passed Legislature.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 15 members:
Representatives Appelwick, Chair; Johanson, Vice Chair;
Padden, Ranking Minority Member; Ballasiotes, Assistant
Ranking Minority Member; Campbell; Chappell; Eide; Forner;
J. Kohl; Long; Morris; H. Myers; Schmidt; Scott and Tate.

Staff: Pat Shelledy (786-7149).

Background: Prior to 1989, the crime of "burglary in the second degree" included burglaries committed by entering a commercial establishment or residence illegally. In 1989, the Legislature decided that burglarizing a home was more serious than burglarizing commercial establishments. The Legislature created a new crime called "residential burglary" and changed "burglary in the second degree" to apply only to buildings other than dwellings. The Legislature also treated residential burglary as a more serious offense than burglary in the second degree on the Sentencing Reform Act sentencing grid.

The bill that created the new crime of residential burglary did not contain technical cross-reference corrections to other statutes that reference "burglary in the second degree" to also include reference to "residential burglary." The failure to amend those statutes may inadvertently result

in an inability to apply those statutes in appropriate cases. Over time, some of those statutes have been amended to also refer to residential burglary. A few statutes remain unamended.

Summary of Bill: Statutes that contain a reference to burglary in the second degree that should also contain reference to residential burglary are amended to reference residential burglary. Those statutes include statutes which: (1) define what crimes are included in the definition of a "crime of violence" for purposes of establishing elements of a violation of the Uniform Firearms Act; (2) define what crimes are included in the definition of a crime of "harassment;" (3) establish a basis for filing an aggravated murder charge; and (4) define what crimes are included in the term "domestic violence" for purposes of criminal provisions governing domestic violence.

Fiscal Note: Not requested.

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

Testimony For: The bill makes necessary technical changes to include residential burglary in a number of statutes.

Testimony Against: None.

Witnesses: John Ladenburg, Pierce County Prosecutor (pro).