

HOUSE BILL REPORT

HB 2405

As Reported By House Committee On:
Corrections

Title: An act relating to crimes.

Brief Description: Modifying the seriousness level of reckless endangerment.

Sponsors: Representatives Shin, Wood, J. Kohl, Morris, Conway, Long, Brough, Brumsickle and Springer.

Brief History:

Reported by House Committee on:
Corrections, February 2, 1994, DPS.

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Morris, Chair; Mastin, Vice Chair; Long, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; L. Johnson and Moak.

Staff: Rick Neidhardt (786-7841).

Background: First degree reckless endangerment was created as a separate crime in 1989 in order to address drive-by shootings. The crime involves, in general, recklessly firing a gun from an automobile in a manner which creates a substantial risk of death or serious physical injury to another person.

First degree reckless endangerment is currently classified with a seriousness level of II. For level II offenses, an offender with no criminal history is assigned a standard sentence range of zero to 90 days.

Some of the more common crimes currently classified at seriousness level II include: malicious mischief (first degree); possession of stolen property (first degree); theft (first degree); possession of heroin; computer trespass (first degree); and escape from community custody.

By comparison, for offenses classified at seriousness level IV, an offender with no criminal history is assigned a standard sentence range of three to nine months. Some of

the more common crimes currently classified at seriousness level IV include: residential burglary; robbery (second degree); assault (second degree); escape (first degree); arson (second degree); malicious harassment; and vehicular assault.

First degree reckless endangerment is currently a Class C felony. Class C felonies have a maximum term of confinement of five years. By comparison, Class B felonies have a maximum term of confinement of 10 years.

Summary of Substitute Bill: The bill elevates the seriousness level of first degree reckless endangerment to level IV and reclassifies the crime as a Class B felony.

Substitute Bill Compared to Original Bill: The substitute bill adds a section reclassifying first degree reckless endangerment as a Class B felony.

Fiscal Note: Available.

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

Testimony For: The current penalty for first degree reckless endangerment is not sufficient. Raising the penalty increases deterrence and increases public security.

Testimony Against: None.

Witnesses: Representative Paull H. Shin, prime sponsor (pro); Tom McBride, Washington Association of Prosecuting Attorneys (pro); and Dan LaRouch, Washington Association of Sheriffs and Police Chiefs (pro).