

# FINAL BILL REPORT

## HB 2392

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Synopsis as Enacted

**Brief Description:** Including residential burglary in crimes of violence.

By 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.

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** Prior to 1989, the crime of "burglary in the second degree" included burglaries committed by illegally entering a commercial establishment or a residence. 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:** Statutes that refer to "burglary in the second degree" that should also refer to "residential burglary" are amended to refer to residential burglary. Those statutes include statutes which: (1) list crimes considered to be "crimes of violence" for purposes of establishing elements of a violation of the Uniform Firearms Act; (2) list crimes considered to be crimes of "harassment;" (3) establish a basis for filing an aggravated murder charge; and (4) list crimes considered to be crimes of "domestic violence" for purposes of criminal provisions governing domestic violence.

**Votes on Final Passage:**

House	95	0
Senate	45	0

**Effective:** June 9, 1994