

SENATE BILL REPORT

ESHB 1630

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 22, 1994

Brief Description: Creating the crime of carjacking.

SPONSORS: House Committee on Judiciary (originally sponsored by 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)

HOUSE COMMITTEE ON JUDICIARY

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Hargrove, Nelson, Niemi, Quigley, Schow and Spanel.

Staff: Susan Mahoney (786-7717)

Hearing Dates: February 18, 1994; February 22, 1994

BACKGROUND:

A robbery is committed when a person unlawfully takes personal property from another against the victim's will, by force or the threat of force. Under Washington law, there is robbery in the first or second degree. The two degrees of robbery are distinguished by whether a deadly weapon or what looks like a deadly weapon is involved and/or whether injury is inflicted. The degree of robbery charged or the penalties imposed do not change depending on the type of property taken. Under current law, a person who takes another's car against that person's will by the use or threatened use of force would be charged with robbery.

There is concern over the growing number of "carjackings" that have occurred in recent years. Because methods used in committing this type of robbery are often even more frightening and dangerous than other types of robberies, it is felt by many that carjacking should be a separately defined crime with more severe penalties.

SUMMARY:

Carjacking is made a separate crime.

Carjacking in the first degree is a class A felony and is defined the same as robbery in the first degree except that a motor vehicle is the property taken. For sentencing purposes, carjacking in the first degree is characterized as a serious

violent offense and is listed on the sentencing grid as a level X (one level higher than robbery in the first degree).

Carjacking in the second degree is a class B felony and is defined the same as robbery in the second degree except that a motor vehicle is the property taken. Carjacking in the second degree is characterized as a violent offense and is listed on the sentencing grid as a level V offense (one level higher than robbery in the second degree).

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Carjacking is on the increase. This is a serious and violent offense. It is hoped that a quick response will deter this crime from escalating further.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Representative Randy Tate; Mike Patrick, WASPC;
John Sobel, victim