

SENATE BILL REPORT

HB 2392

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

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

HOUSE COMMITTEE ON JUDICIARY

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

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

Staff: Susan Carlson (786-7418)

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

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 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 the Uniform Firearms Act; (2) define what crimes are included in the 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.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

The bill adds the crime of residential burglary into statutes that already include burglary in the second degree.

TESTIMONY AGAINST: None

TESTIFIED: Tom McBride, WA Association of Prosecuting Attorneys
(pro)