

SENATE BILL REPORT

SB 6041

AS PASSED SENATE, FEBRUARY 11, 1994

Brief Description: Prescribing penalties for criminal street gang activities.

SPONSORS: Senators Ludwig, A. Smith, Winsley, Oke, Nelson and McAuliffe

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

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

Staff: Dick Armstrong (786-7460)

Hearing Dates: January 21, 1994; February 3, 1994

HOUSE COMMITTEE ON JUDICIARY

BACKGROUND:

Law enforcement and other criminal justice officials report that gang members are oftentimes involved in criminal activities. In addition to routine criminal activity, some gangs have "initiation rites" which require a prospective gang member to commit a violent crime as a condition to becoming a member of the gang.

Under the Sentencing Reform Act, courts impose a determinate sentence depending on the severity of the offense and the criminal history of the offender. A court can go outside the standard range and impose an exceptional sentence if the court finds an "aggravating circumstance" exists.

SUMMARY:

A court may impose an exceptional sentence on a criminal offender if the court finds the criminal offense was committed for the benefit of, or at the direction of, a criminal street gang and the crime was committed with the intent to promote the criminal conduct of gang members.

Appropriation: none

Revenue: none

Fiscal Note: requested January 14, 1994

Effective Date: July 1, 1994

TESTIMONY FOR:

This is a discretionary decision to allow a judge to give an increased sentence if the crime was done to promote a gang. It will help to stop some of the drive-by shootings.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Senator Ludwig; Sheriff Jim Gleason, Klickitat County

HOUSE AMENDMENT(S):

A court may impose an exceptional sentence on a criminal offender if the court finds that a criminal offense was motivated by an intent to further criminal gang-related activity.

The Sentencing Guidelines Commission is to complete a study within 12 months of the effective date of the act to determine if the act has a racially disparate impact. The Legislature is to address the impact, if any, in hearings and legislation.