

SENATE BILL REPORT

SB 6115

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 1, 1994

Brief Description: Increasing penalties for offenses committed with deadly weapons.

SPONSORS: Senators Nelson, A. Smith, Oke, Prince, Amondson, Deccio, Sellar, Roach, Hochstatter, Schow, Haugen, Quigley, West, Morton, M. Rasmussen, Winsley, McDonald, Anderson, McCaslin and Moyer

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass and be referred to Committee on Ways & Means.

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

Staff: Susan Carlson (786-7418)

Hearing Dates: January 20, 1994; February 1, 1994

BACKGROUND:

The firearm statutes prohibit possession of a firearm by a person convicted of a designated crime of violence. It has been suggested that reckless endangerment in the first degree and residential burglary should be included in the list of crimes of violence.

Under the Sentencing Reform Act, an adult convicted of certain specified crimes while armed with a deadly weapon is subject to an increased penalty of between 12 and 24 months, depending on the particular crime of conviction. Deadly weapon is defined to include any firearm, as well as weapons such as knives or clubs. The increased penalty is without regard to the type of deadly weapon involved in the crime. The juvenile system has no sentence enhancements for committing a crime while armed with a deadly weapon.

SUMMARY:

Reckless endangerment in the first degree and residential burglary are added to the list of crimes of violence for purpose of the firearms statutes.

A sentence enhancement of 36 months is added to an adult conviction for any felony committed while armed with a firearm.

An offender convicted of residential burglary while armed with a deadly weapon is subject to an additional sentence of 18 months. An offender convicted of reckless endangerment in the

first degree while armed with a deadly weapon is subject to an additional sentence of 12 months.

Juveniles who commit an offense while armed with a deadly weapon receive a sentence enhancement of 26 weeks for A, A-, or A+ offenses; 16 weeks for B or B+ offenses; and 12 weeks for C+ or C offenses.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

Both adults and juveniles should be subject to enhanced penalties if they commit a crime while armed with a firearm or other deadly weapon.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Senator Gary Nelson, prime sponsor; Al Woodbridge, Washington State Rifle & Pistol Association; George Aiton, Washington Arms Collectors; David Reynard