

FINAL BILL REPORT

SHB 1069

C 120 L 97

Synopsis as Enacted

Brief Description: Prohibiting the malicious use of explosives.

Sponsors: By House Committee on Law & Justice (originally sponsored by Representatives Sterk and Honeyford).

House Committee on Law & Justice
Senate Committee on Law & Justice

Background: Recent bombing incidents have raised concerns about the coverage of some of the state's criminal laws relating to explosives. Some of these bombings may have had an element of terrorist intent.

Under the explosives law, there are two bombing related offenses with what amount to two degrees for each offense. These four crimes and their ranking levels under the Sentencing Reform Act (SRA) are:

- Exploding a bomb with malice and endangering life or safety (level X);
- Exploding a bomb with malice and damaging property (level IX);
- Placing a bomb with malice where it would endanger life or safety (level VI);
and
- Placing a bomb with malice where it would damage property (level VI).

These crimes are not classified as "A" "B" or "C" felonies, but carry specified maximum prison sentences of 25, 5, 20 and 5 years, respectively. No fines are specified. Under the SRA, class A felonies carry a maximum penalty of life in prison and a \$50,000 fine, class B felonies carry a maximum of 10 years and \$20,000, and class C felonies carry a maximum penalty of 5 years and \$10,000. The actual sentence given under the SRA depends on the ranking of the crime and the offender's criminal history.

Summary: The crimes of placing or exploding a bomb are altered in four ways. First, the crimes are classified as "A," "B," or "C" felonies. Second, new degrees of these crimes are created by adding an element of "terrorism." Third, a new crime in two degrees is created for the placement of fake bombs. Fourth, these crimes are ranked under the SRA, with increased rankings for the existing crimes, and higher rankings yet for bombings done with terrorist intent.

Terrorist intent is defined as an intent to intimidate or coerce a civilian population or to influence or retaliate against government.

Bombing related crimes are ranked under the SRA and are classified as follows:

- Level XIV - Exploding a bomb with terrorist intent (class A);
- Level XIII - Exploding a bomb and endangering life or safety (class A);
- Level XIII - Placing a bomb with terrorist intent (class A);
- Level XII - Placing a fake bomb with terrorist intent (class B);
- Level X - Exploding a bomb and damaging property (class B);
- Level IX - Placing a bomb to endanger life or safety (class B);
- Level VII - Placing a bomb to damage property (class B); and
- Level VI - Placing a fake bomb without terrorist intent (class C).

Notes on Final Passage:

House 95 0

Senate 46 0

Effective: July 27, 1997