

HOUSE BILL REPORT

HB 1069

As Reported By House Committee On:

Law & Justice

Title: An act relating to malicious use of explosives.

Brief Description: Prohibiting the malicious use of explosives.

Sponsors: Representatives Sterk and Honeyford.

Brief History:

Committee Activity:

Law & Justice: 1/22/97, 1/24/97 [DPS].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

Staff: Bill Perry (786-7123).

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 rankings 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);
- 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.

Summary of Substitute Bill: The crimes related to placing or exploding a bomb are altered in four ways. First, crimes related to bombing are classified as "A," "B," or "C" felonies. Second, new degrees of these crimes are created by adding an element of "terrorism" to each. 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 with terrorist intent (class A);
- Level XIII - Exploding and endangering life or safety (class A);
- Level XIII - Placing with terrorist intent (class A);
- Level XII - Placing a fake bomb with terrorist intent (class B);
- Level X - Exploding and damaging property (class B);
- Level IX - Placing to endanger life or safety (class B);
- Level VII - Placing to damage property (class B);
- Level VI - Placing a fake bomb without terrorist intent (class C).

Substitute Bill Compared to Original Bill: The substitute bill adds the definition of terrorism and the provisions relating to fake bombs.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: State law is inadequate to cover terrorist bombings, and federal law enforcement resources may not be able to cover the growing number of these cases.

Testimony Against: None.

Testified: Representative Sterk, prime sponsor; and Tom McBride, Washington Association of Prosecuting Attorneys (pro, with amendment).