

**HOUSE BILL ANALYSIS
HB 3036**

Title: An act relating to crimes against children.

Brief Description: Increasing penalties for specified crimes against children.

Sponsors: Representatives Koster, Mielke, Keiser, Thompson, Dunn, and McCune.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Hearing Date: February 4, 1998.

Prepared By: Mark G. Hamilton, Counsel (786-7310).

Background: *Rape of a Child in the First Degree.* Rape of a child in the first degree occurs when a person has sexual intercourse with a child younger than 12 years old, when the perpetrator is at least 2 years older than (and not married to) the victim. It is a class A felony. (RCW 9A.44.073.) Rape of a child in the first degree carries a seriousness level of XII under the sentencing guidelines, and is punishable by between 93 and 318 months imprisonment. (RCW 9.94A.320.)

Child Molestation in the First Degree. Child molestation in the first degree occurs when a person has sexual contact with a child younger than 12 years old (or causes a third person to do so), when the perpetrator is at least 3 years older than (and not married to) the victim. It is a class A felony. (RCW 9A.44.083.) Child molestation in the first degree carries a seriousness level of X under the sentencing guidelines, and is punishable by between 51 and 198 months imprisonment. (RCW 9.94A.320.)

Homicide by Abuse. Homicide by abuse occurs when a person causes the death of a child or person under 16 years old, a developmentally disabled person, or a dependent adult, when the perpetrator has engaged in a previous pattern or practice of assault or torture of the victim. It is a class A felony. (RCW 9A.32.055.) Homicide by abuse carries a seriousness level of XIV under the sentencing guidelines, and is punishable by between 240 and 548 months imprisonment. (RCW 9.94A.320.)

Summary: *Enhanced Required Punishment for a Crime against a Child.* Requires that a person convicted of a crime against a child (specifically, defined as rape of a child or child molestation in the first degree, or homicide by abuse when the victim is younger than 16 years old) must be punished by no less than life imprisonment without the possibility of parole and a fine of \$100,000. (New Section — RCW 9.94A.---.)

Increased Seriousness Level under Sentencing Guidelines. In the case of each crime defined above as a crime against children, requires the minimum punishment set forth above. In addition, increases the seriousness level of these offenses under the sentencing guidelines to level XV, punishable by life imprisonment without parole or death. (Amends RCW 9A.44.073 (rape of child 1), 9A.44.083 (child molestation 1); 9A.32.055 (homicide by abuse); 9.94A.120 (punishment of felonies); & 9.94A.320 (sentencing guidelines — offender seriousness levels).)

Rules Authority: No.

Fiscal Note: Requested.

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