

HOUSE BILL ANALYSIS
ESSB 5861

Title:	An act relating to exceeding maximum penalties for crimes involving firearms and deadly weapons.
Brief Description:	Authorizing exceeding maximum penalties for crimes involving firearms and deadly weapons.
Sponsors:	Senate Committee on Law & Justice (originally sponsored by Senators Roach, Schow, and Oke).

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Hearing Date:	February 20, 1998.
Prepared By:	Mark G. Hamilton, Counsel (786-7310).
Background:	<p><i>Punishment of Felony when not Fixed by Statute.</i> The maximum penalty which may be imposed on a person who commits a felony for which no statutory maximum sentence is specifically prescribed is ten years imprisonment or a \$20,000 fine, or both. (RCW 9.92.010.)</p> <p><i>Maximum Sentences for Felonies.</i> The maximum penalties for classified felonies are as follows:</p> <ol style="list-style-type: none">1. Class A felony — life imprisonment or a \$50,000 fine, or both;2. Class B felony — ten years imprisonment or a \$20,000 fine, or both; and3. Class C felony — five years imprisonment or a \$10,000 fine, or both. <p>(RCW 9A.20.021.)</p> <p><i>Sentencing Guidelines — Weapons Enhancements.</i> The Hard Time for Armed Crime Act (Initiative Measure No. 159) requires mandatory sentencing increases of up to five years which must be added to the sentence of a person convicted of a committing felony while using a firearm or deadly weapon. (RCW 9.94A.310(3) & (4).)</p> <p>However, the underlying sentence, combined with the enhancement, cannot exceed the maximum presumptive sentence under the sentencing guidelines, unless the offender is classified as a persistent offender. (RCW 9.94A.310(3)(g) & (4)(g).) (RCW 9.94A.310.)</p>

Summary:	<p><i>Punishment of Felony when not Fixed by Statute.</i> The maximum penalty which may be imposed on a person who commits a felony for which no statutory maximum sentence is specifically prescribed is ten years</p>
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imprisonment, plus any weapon enhancement penalty, or a \$20,000 fine, or both. (Amends RCW 9.92.010.)

Maximum Sentences for Felonies. The maximum penalties for classified felonies are as follows:

1. Class A felony — life imprisonment or a \$50,000 fine, or both (no change);
2. Class B felony — ten years imprisonment, plus any weapon enhancement penalty, or a \$20,000 fine, or both; and
3. Class C felony — five years imprisonment, plus any weapon enhancement penalty, or a \$10,000 fine, or both.

(Amends RCW 9A.20.021.)

Sentencing Guidelines — Weapons Enhancements. New sections clarify that all firearm or deadly weapons enhancements are (1) mandatory, (2) must be served in total confinement, and (3) run consecutively to any other sentence provisions, including other weapons enhancements. The maximum sentence term does not limit these enhanced penalties. (Amends RCW 9.94A.310(3)(g) & (4)(g).)

Technical Change. Section 4 of the bill makes a technical change, updating a cross-reference. (Amends RCW 9.94A.470.)

Rules Authority: No.

Fiscal Note: Requested on February 16, 1998. (Available for prior versions of the bill.)

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