

SENATE BILL REPORT

SHB 1069

As Reported By Senate Committee On:
Law & Justice, April 1, 1997

Title: An act relating to malicious use of explosives.

Brief Description: Prohibiting the malicious use of explosives.

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

Brief History:

Committee Activity: Law & Justice: 3/27/97, 4/1/97 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Goings, Hargrove, Haugen, Long and McCaslin.

Staff: Mal Murphy (786-7412)

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 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 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).

Appropriation: None.

Fiscal Note: Requested on March 19, 1997.

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

Testimony For: Urban terrorism is the next great threat in the U.S. There is an increasing frequency and magnitude of these crimes. State law is not currently adequate to cover them, and federal law enforcement resources are probably not sufficient.

Testimony Against: None.

Testified: Representative Sterk, original prime sponsor.