

SENATE BILL REPORT

SB 5292

As of February 3, 1997

Title: An act relating to habitual criminals.

Brief Description: Increasing penalties for habitual criminals.

Sponsors: Senators McCaslin, Oke, Haugen and Benton.

Brief History:

Committee Activity: Law & Justice: 2/3/97.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Mychal Schwartz (786-7444)

Background: The pre-SRA habitual criminal statute required an offender to be sentenced to either a minimum term of ten years, or life imprisonment, depending on the offender's prior criminal history. A ten-year minimum sentence was required if the offender was convicted of a felony and had either one previous felony conviction or two previous convictions for a misdemeanor or gross misdemeanor of which fraud or intent to defraud is an element.— A life sentence was required if the person was convicted of a felony and had two previous felony convictions or four prior convictions for a misdemeanor or gross misdemeanor of which fraud or intent to defraud is an element.—

Summary of Bill: Within ten days of entry of a felony conviction, and, at the discretion of the prosecuting attorney, a hearing is held to determine whether the defendant is an habitual criminal.

The offender is an habitual criminal and must be sentenced to ten years total confinement if: (1) the offender has been convicted of a felony in Washington; (2) the offender has prior criminal history consisting of one felony OR two serious gross misdemeanors; AND (3) the offender is not a persistent offender.

The offender is an habitual criminal and must be sentenced to 15 years total confinement if: (1) the offender has been convicted of a felony in Washington; (2) the offender has prior criminal history consisting of two felonies OR four serious gross misdemeanors; AND (3) the offender is not a persistent offender.

Serious gross misdemeanors are:

- Assault in the fourth degree
- Reckless endangerment in the second degree
- Sexual misconduct with a minor in the second degree

- Failure to register for a crime other than a class A felony
- Coercion
- Stalking
- Reckless burning in the second degree
- Theft in the third degree
- Jury tampering
- Riot
- Rendering criminal assistance in the first degree
- Rendering criminal assistance in the second degree
- Compounding
- Escape in the third degree
- Tampering with physical evidence
- Criminal attempt, solicitation, or conspiracy to commit a class C felony defined in Title 9A RCW.

Appropriation: None.

Fiscal Note: Available.

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