

# FINAL BILL REPORT

## ESB 5695

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C 235 L 98  
Synopsis as Enacted

**Brief Description:** Increasing sentences for crimes involving firearms.

**Sponsors:** Senators Roach, Long, Oke, Schow, Morton, Benton and Hochstatter.

**Senate Committee on Law & Justice**

**House Committee on Criminal Justice & Corrections**

**Background:** For most all felony crimes, if a court finds that the criminal or an accomplice was armed with a deadly weapon at the time of the crime, an additional penalty is added to the standard range sentence. There are different length enhancements for firearms and other deadly weapons. The enhancement cannot cause the criminal to serve more than the maximum penalty for the crimes committed.

A dispute has arisen over how the weapon enhancements are to be applied when a criminal is sentenced for multiple offenses and a weapon finding has been made on one of the counts. The enhancement may be applied to the entire package of crimes at the end of the standard sentence. The enhancement may, instead, be applied to the particular crime where a weapon was used. Where it is applied can affect the length of the criminal's sentence.

**Summary:** When an offender is being sentenced for two or more crimes encompassing the same criminal conduct where a firearm or deadly weapon finding has been made on at least one of the crimes, the enhancement is applied to the end of the total period of confinement, regardless of which underlying offense was subject to the enhancement.

Firearm and deadly weapon enhancements are to be served consecutive to all other sentencing provisions, including other firearm and deadly weapon enhancements.

When an underlying sentence plus an enhancement would exceed the statutory maximum if both were served, the full enhancement must be served and the underlying sentence reduced so that the total does not exceed the statutory maximum.

If an offender is convicted of unlawful possession of a firearm in the first or second degree and for either theft of a firearm or possession of a stolen firearm, or both, the offender must serve consecutive sentences for each conviction and for each firearm unlawfully possessed.

**Votes on Final Passage:**

Senate	42 7
House	96 0

**Effective:** June 11, 1998