

SENATE BILL REPORT

ESB 5695

As Passed Senate, February 9, 1998

Title: An act relating to crimes involving firearms.

Brief Description: Increasing sentences for crimes involving firearms.

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

Brief History:

Committee Activity: Law & Justice: 3/4/97 [DP-WM, DNP].

Passed Senate, 3/18/97, 39-9.

Passed Senate, 2/9/98, 42-7.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass and be referred to Committee on Ways & Means.

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

Minority Report: Do not pass.

Signed by Senator Fairley.

Staff: David Johnson (786-7754)

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 of Bill: 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.

The portion of an offender's sentence which represents a firearm or deadly weapon enhancement may not be reduced because of the statutory maximum of the underlying felony conviction.

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.

Appropriation: None.

Fiscal Note: Requested on March 3, 1997.

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

Testimony For: The bill clearly states the intent of the Hard Time for Armed Crime-initiative.

Testimony Against: None.

Testified: Michael Patrick, Washington State Council of Police Officers.