

SENATE BILL REPORT

ESSB 5861

As Passed Senate, February 9, 1998

Title: An act relating to exceeding statutory 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).

Brief History:

Committee Activity: Law & Justice: 2/26/97, 3/5/97 [DPS].

Passed Senate, 3/18/97, 42-6.

Passed Senate, 2/9/98, 48-1.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5861 be substituted therefor, and the substitute bill do pass.

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

Staff: David Johnson (786-7754)

Background: The maximum terms of incarceration for felony convictions are as follows:

- class A felony: life in prison;
- class B felony: ten years in prison;
- class C felony: five years in prison.

When an offender is convicted of a felony which includes a firearm or deadly weapon enhancement, an additional period of incarceration is added consecutively to the determinate sentence provided by the Sentencing Reform Act sentencing grid. Those additional periods of incarceration range from six months to ten years.

A difference of opinion has developed over whether judges have the authority to sentence offenders to periods of incarceration which exceed the statutory maximum term for the felony conviction where a firearm or deadly weapon enhancement also is being applied.

Summary of Bill: The maximum terms of incarceration for felony convictions are as follows:

- class A felony: life in prison (no change);
- class B felony: the sum of ten years plus any firearm or deadly weapon penalty enhancement;
- class C felony: the sum of five years plus any firearm or deadly weapon penalty enhancement.

All firearm and deadly weapon penalty enhancements are served consecutively to any other sentencing provision, including other firearm and deadly weapon penalty enhancements.

Appropriation: None.

Fiscal Note: Requested on February 26, 1997.

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

Testimony For: The bill simply codifies the intent of "Hard Time for Armed Crime." It removes the possibility that judges would be forced to give a repeat offender a shorter standard range sentence to fit more of the enhancement under the statutory maximum for the crime in order to give the defendant a more severe sentence. The intent of "Hard Time for Armed Crime" was to jail these offenders for the longest time possible. This bill ensures that the will of the people is done.

Testimony Against: None.

Testified: Jim Powers, Thurston County Prosecuting Attorney's Office; Mary Lynn Carson; Helen Harlow, Tennis Shoe Brigade.