

HOUSE BILL REPORT

HB 2263

As Reported By House Committee On:
Appropriations

Title: An act relating to robbery within a financial institution.

Brief Description: Making any robbery within a financial institution a first degree robbery.

Sponsors: Representatives Cox, Hurst, O'Brien, Esser, Conway, Rockefeller and Ogden.

Brief History:

Committee Activity:

Appropriations: 3/6/99 [DPS].

Brief Summary of Substitute Bill

- Classifies robbery of a financial institution as robbery in the first degree, a class A felony.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 31 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Lambert; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Staff: Dave Johnson (786-7154).

Background:

The state does not have a specific criminal statute relating to financial institution robberies with a "note-only." However, most cases of this nature, when charged in state court, are prosecuted as second-degree robbery, whereby an offender

unlawfully takes property by use or threat of force or fear of injury. Robbery in the second degree is a seriousness level IV, class B felony. A person with no criminal history would receive a presumptive sentencing range of three to nine months in jail.

Robbery in the first degree is when someone unlawfully takes property by use or threat of force or fear of injury using a deadly weapon or bodily injury. First-degree robbery is a seriousness level IX, class A felony. A person with no criminal history would receive a presumptive range of 31 to 41 months in prison.

Most crimes involving financial institutions are federal crimes. Under the federal sentencing guidelines, a crime such as bank robbery would carry a maximum penalty of 20 years of incarceration or a fine ranging up to a maximum of \$60,000 (excluding any exceptional circumstances or criminal offense enhancements). However, given limited resources, the federal authorities do not aggressively prosecute all violations of these statutes. In those cases, an offender will be subject to little or no criminal penalties or the case may be turned over to a county prosecutor.

Summary of Substitute Bill:

Robbery of a financial institution (with a note-only or a deadly weapon) is classified as robbery in the first degree, a class A felony. A person with no criminal history would receive a presumptive range of 31 to 41 months in prison.

Financial institution means any bank, trust company, mutual savings bank, savings and loan association, or credit union authorized by federal or state law to accept deposits in the state.

Substitute Bill Compared to Original Bill: If funding for the bill is not provided by June 30, 1999, in the omnibus appropriations act, the bill is null and void.

Appropriation: None.

Fiscal Note: Requested on the substitute bill on March 8, 1999.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Testimony For: None.

Testimony Against: None.

Testified: None.