

# HOUSE BILL REPORT

## SB 5538

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### As Reported By House Committee On:

Criminal Justice & Corrections

**Title:** An act relating to sentencing for certain criminal acts.

**Brief Description:** Clarifying sentencing requirements for certain crimes.

**Sponsors:** Senators Costa, McCaslin, Heavey, Goings and Rasmussen.

### Brief History:

#### Committee Activity:

Criminal Justice & Corrections: 3/30/99, 3/31/99 [DP].

#### Brief Summary of Bill

- Provides seriousness level ranking for some felonies that are currently unranked under the Sentencing Reform Act.
- Decreases maximum penalties for the crimes of malicious injury to railroad property and possession of an incendiary device and removes them from the definition of "most serious offense."

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## HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** Do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

**Staff:** Jean Ann Quinn (786-7310).

### Background:

*Unranked Offenses.* The state's sentencing guidelines provide a classification of most felonies by their "seriousness level," from level I, punishable by 0 days to 29 months imprisonment, to level XV, punishable by life imprisonment without parole or by death. An adult offender is also assigned an "offender score," based on a number of factors, including prior convictions. The seriousness level of the crime and the offender score

determine what sentence the offender will receive, unless the court determines that the conditions for imposing an exceptional sentence are met.

"Unranked" felonies are those offenses that are not assigned a seriousness level. The standard sentence range for an unranked felony is 0-12 months, unless the court finds that there are substantial and compelling reasons for imposing an exceptional sentence. In 1997, the Legislature directed the Sentencing Guidelines Commission to review conviction data for the previous 10 years and submit a proposed bill that appropriately ranked all unranked felony offenses for which there had been convictions. Legislation was proposed, but not enacted, in 1998.

*Malicious Injury to Railroad Property.* The crime of malicious injury to railroad property occurs when a person endangers the safety of any railroad property or person thereon, and is currently punishable by up to 25 years imprisonment. Because it is considered a class A felony, it also falls within the definition of "most serious offense" for the purposes of the persistent offender ("3 strikes") legislation.

*Incendiary Devices.* A person who knowingly possesses, manufactures, or disposes of an incendiary device is guilty of a felony, punishable by up to 25 years imprisonment. Because it is considered a class A felony, it also falls within the definition of "most serious offense" for the purposes of the persistent offender ("3 strikes") legislation.

*Theft of Rental or Leased Property.* Theft of rental, leased, or lease-purchased property is a class B felony (ranked seriousness level II) if the property is valued at \$1,500 or more and a class C felony (ranked seriousness level I) if the property is valued between \$250 and \$1,500.

*Alphabetization.* Currently, the crimes within each seriousness level in the Sentencing Reform Act are not listed in any particular order.

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### **Summary of Bill:**

*Unranked Offenses:* The following currently unranked felony offenses are ranked at the seriousness levels noted: