

HOUSE BILL ANALYSIS

HB 1393

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 Hurst, Ballasiotes, O'Brien, Lovick and Sheahan.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Yvonne Walker (786-7841).

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 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 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 cannot prosecute all violations of these statutes, and, as a result, unless the violation has a significant impact, the offender will be subject to little or no criminal penalties or the case may be turned over to a local county prosecutor.

Summary:

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.

Fiscal Note: Available.

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

Office of Program Research