

HOUSE BILL ANALYSIS

HB 1860

Title: An act relating to removing robbery 2 from the "three strikes" list.

Brief Description: Removing robbery 2 from the "three strikes" list.

Sponsors: Representatives Koster, Constantine, Cairnes, Hurst, Hatfield, Lovick, Barlean, Dickerson, Lantz, Quall, Veloria, Wood, Kagi and Thomas.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Yvonne Walker (786-7841).

Background:

The criminal offense of robbery in the second degree is the unlawful taking of property (without a deadly weapon or firearm) 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.

Under what is commonly referred to as the "Three Strikes and You're Out" law, a persistent offender is subject to a sentence of life imprisonment. A person is considered a "persistent offender" if he or she commits three most serious offenses. A "most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

- any felony defined under any law as a class A felony;
- assault in the second degree;
- assault of a child in the second degree;
- child molestation in the second degree;
- controlled substance homicide;
- extortion in the first degree;
- incest when committed against a child under age 14;
- indecent liberties;
- kidnapping in the second degree;
- leading organized crime;
- manslaughter in the first degree;
- manslaughter in the second degree;
- promoting prostitution in the first degree;

- rape in the third degree;
- robbery in the second degree;
- sexual exploitation;
- vehicular assault;
- any other class B felony offense with a finding of sexual motivation; and
- any other felony with a deadly weapon verdict.

Summary:

The offense of robbery in the second degree is deleted from the list of most serious offenses.– This offense will no longer count as a strike under the "Three Strikes and You're Out" law.

Fiscal Note: Available.

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

Office of Program Research